

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

AGRISTOR CREDIT CORPORATION,)
)
Plaintiff,)
)
vs.)
)
HARVEY J. WATT and)
MARY J. WATT,)
)
Defendants.)

FILED

JUL 31 1978

Judge E. Sawyer, Clerk
U. S. DISTRICT COURT

No. 78-C-181-C

Stipulation of DISMISSAL

Upon the agreement of both parties herein, the plaintiff,
Agristor Credit Corporation, hereby dismisses the above
entitled and numbered cause, without prejudice.

Dated this 24 day of July, 1978.

BLACKSTOCK JOYCE POLLARD
BLACKSTOCK & MONTGOMERY

By Larry D. Leonard
Larry D. Leonard
300 Petroleum Club Bldg.
Tulsa, OK 74119
(918) 585-2751
Attorneys for Plaintiff

WOODSON & FINLAYSON, INC.

By Mac D. Finlayson
Mac D. Finlayson
P. O. Box 3104
Tulsa, OK 74101
(918) 932-4661
Attorneys for Defendants

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUL 28 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

| | | |
|---------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | CIVIL ACTION NO. 78-C-278-C |
| |) | |
| |) | |
| MORRIS JACKSON, JR., |) | |
| |) | |
| Defendant. |) | |

DEFAULT JUDGMENT

This matter comes on for consideration this 28th
day of July, 1978, the Plaintiff appearing by Robert P. Santee,
Assistant United States Attorney for the Northern District of
Oklahoma, and the Defendant, Morris Jackson, Jr., appearing
not.

The Court being fully advised and having examined
the file herein finds that Defendant, Morris Jackson, Jr., was
personally served with Summons and Complaint on June 28, 1978,
and that Defendant has failed to answer herein and that default
has been entered by the Clerk of this Court.

The Court further finds that the time within which
the Defendant could have answered or otherwise moved as to the
Complaint has expired, that the Defendant has not answered or
otherwise moved and that the time for the Defendant to answer
or otherwise move has not been extended, and that Plaintiff
is entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that
the Plaintiff have and recover Judgment against Defendant, Morris
Jackson, Jr., for the sum of \$845.67 plus the costs of this
action accrued and accruing.

18/H. Dale Cook
UNITED STATES DISTRICT JUDGE

APPROVED:


ROBERT P. SANTEE
Assistant United States Attorney

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUL 28 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,
Plaintiff,

vs.

WILLIAM D. ELLIOTT,
Defendant.

CIVIL ACTION NO. 78-C-254-C

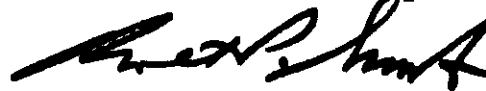
NOTICE OF DISMISSAL

COMES NOW the United States of America, Plaintiff
herein, by and through its attorney, Robert P. Santee, Assistant
United States Attorney for the Northern District of Oklahoma,
and hereby gives notice of its dismissal, pursuant to Rule 41,
Federal Rules of Civil Procedure, of this action, without
prejudice.

Dated this 28th day of July, 1978.

UNITED STATES OF AMERICA

HUBERT H. BRYANT
United States Attorney



ROBERT P. SANTEE
Assistant United States Attorney

UNITED STATES OF AMERICA,
Plaintiff,
vs.
DALE R. DILLINER,
Defendant.

FILED

Jack C. Silver, Clerk
U. S. DISTRICT COURT

This matter comes on for consideration this 28th day of July, 1978, the Plaintiff appearing by Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Dale R. Dilliner, appearing not.


The Court being fully advised and having examined the file herein finds that Defendant, Dale R. Dilliner, was personally served with Summons and Complaint on June 16, 1978, and that Defendant has failed to answer herein and that default has been entered by the Clerk of this Court.

The Court further finds that the time within which the Defendant could have answered or otherwise moved as to the Complaint has expired, that the Defendant has not answered or otherwise moved and that the time for the Defendant to answer or otherwise move has not been extended, and that Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, Dale R. Dilliner, for the sum of \$776.00 plus the costs of this action accrued and accruing.

15/H. Dale Cook
UNITED STATES DISTRICT JUDGE

APPROVED:


ROBERT P. SANTEE
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jack C. Silver, Clerk
U. S. DISTRICT COURT

CIVIL ACTION NO. 78-C-279-B


This matter comes on for consideration this 28th day of July, 1978, the Plaintiff appearing by Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and the Defendant, Thomas H. Leslie, Jr., appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Thomas H. Leslie, Jr., was personally served with Summons and Complaint on June 28, 1978, and that Defendant has failed to answer herein and that default has been entered by the Clerk of this Court.

The Court further finds that the time within which the Defendant could have answered or otherwise moved as to the Complaint has expired, that the Defendant has not answered or otherwise moved and that the time for the Defendant to answer or otherwise move has not been extended, and that Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, Thomas H. Leslie, Jr., for the sum of \$841.80 plus the costs of this action accrued and accruing.

Allen E. Berman
UNITED STATES DISTRICT JUDGE


ROBERT P. SANTEE
Assistant United States Attorney

FILED

JUL 28 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 78-C-266-B
)
STEVEN R. OSAGE,)
)
Defendant.)

DEFAULT JUDGMENT

This matter comes on for consideration this 28th
day of July, 1978, the Plaintiff appearing by Robert P. Santee,
Assistant United States Attorney for the Northern District of
Oklahoma, and the Defendant, Steven R. Osage, appearing not.

The Court being fully advised and having examined
the file herein finds that Defendant, Steven R. Osage, was personally
served with Summons and Complaint on June 26, 1978, and that
Defendant has failed to answer herein and that default has been
entered by the Clerk of this Court.

The Court further finds that the time within which
the Defendant could have answered or otherwise moved as to the
Complaint has expired, that the Defendant has not answered or
otherwise moved and that the time for the Defendant to answer
or otherwise move has not been extended, and that Plaintiff
is entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that
the Plaintiff have and recover Judgment against Defendant, Steven R.
Osage, for the sum of \$632.00 plus the costs of this action
accrued and accruing.

Allen E. Bonar

UNITED STATES DISTRICT JUDGE

APPROVED:

Robert P. Santee
ROBERT P. SANTEE
Assistant United States Attorney

C. L. RISNER and WILLA
MAE RISNER

Plaintiffs,

v.

CONTINENTAL PIPE LINE CO.,
a Delaware corporation

Defendant.

FILED

ORDER FOR DISMISSAL

Jack C. Silver, Clerk
U. S. DISTRICT COURT

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the
above-styled case and cause ^{of Action & Complaint} be, and the same ~~is~~ ^{are} hereby ordered
dismissed with prejudice to the rights of the Plaintiffs to
refile the same.

DATE: July 28, 1928

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JUL 28 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

DEERE & COMPANY,

Plaintiff,

v.

ROYAL MANUFACTURING CO., INC.,
d/b/a Troco Oil Company,

Defendant.

Civil Action File
No. 77-C-205-B

CONSENT JUDGMENT

The counsel for the parties, having informed the Court that the parties of the above entitled cause of action, have entered into a Settlement Agreement disposing of the controversy of this action and having agreed that the Complaint and counterclaim may be dismissed with prejudice;

IT IS ORDERED, ADJUDGED AND DECREED,

1. that the Complaint is hereby dismissed with prejudice.
2. that the counterclaim of the defendant is hereby dismissed with prejudice.
3. that there shall be no award of attorneys fees and each party shall pay its own costs.

July 28, 1978
DATE

Allen E. Barrow
DISTRICT JUDGE

APPROVED AS TO FORM AND
CONTENT:

Theodore R. Scott
THEODORE R. SCOTT
Attorney for Plaintiff
135 South LaSalle Street
Chicago, Illinois 60603

James H. Chafin
JAMES H. CHAFIN
Attorney for Defendant
212 Beacon Building
Tulsa, OK 74103

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

LESLIE W. McCOWN and CHESTER
F. and PHYLLIS LENIK,

Plaintiffs,

v.

JAMES W. HEIDLER;
JOSEPH C. CALDWELL;
J. DONALD WALKER;
JERALD M. SCHUMAN;
PAUL V. HARTMAN; and
LARKIN BAILEY,

Defendants.

73-C-71-C

FILED

JUL 27 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL WITH PREJUDICE

On this 27th day of July, 1978, the Court has
for consideration, the Application of Named Plaintiffs for Order
of Dismissal with Prejudice. Upon consideration of the applica-
tion,

IT IS ORDERED, ADJUDGED AND DECREED that this action, and
each of the causes of action alleged in this action, be and the
same are hereby dismissed with prejudice.

H. Dale Cook
H. Dale Cook, Judge

FILED

JUL 27 1978

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DEBORAH SUE MANNING,)
)
Defendant.)

CIVIL ACTION NO. 78-C-224-B

JUDGMENT OF FORECLOSURE

THIS MATTER comes on for consideration this ^{27th} ~~25th~~ day of July, 1978, the Plaintiff appearing by Robert P. Santee, Assistant United States Attorney; and the Defendant, Deborah Sue Manning appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Deborah Sue Manning, was served with Complaint and Summons on June 14, 1978, as appears from the United States Marshal's Service herein.

It appearing that the Defendant, Deborah Sue Manning, has failed to answer herein and that default has been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a mortgage note and foreclosure on a real property mortgage securing said mortgage note upon the following described real property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Eighteen (18), Block Six (6), SCOTTSDALE ADDITION, an Addition in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

That the Defendant, Deborah Sue Manning, did, on the 24th day of Maarch, 1976, execute and deliver to the United States of America, acting through the Farmers Home Administration, her mortgage and mortgage note in the amount of \$23,000.00, with 8 3/4 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that the Defendant, Deborah Sue Manning, made default under the terms of the aforesaid mortgage note by reason of her failure to make monthly installments due thereon, which default has continued and that by reason thereof, the above-named Defendant is now indebted to the Plaintiff in the amount of \$25,720.97, as of April 1, 1978, plus interest from and after said date at the rate of 8 3/4 percent per annum, until paid, plus the cost of this action accrued and accruing.


IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against Defendant, Deborah Sue Manning, in personam, for the sum of \$25,720.97, with interest thereon at the rate of 8 3/4 percent per annum from April 1, 1978, plus the cost of this action, accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said Defendant to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property and apply the proceeds thereof in satisfaction of the Plaintiff's judgment. The residue, if any, shall be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, the Defendant and all persons claiming under her since the filing of the Complaint herein, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.


United States District Judge

APPROVED:


ROBERT P. SANTEE
Assistant United States Attorney
Attorney for Plaintiff

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA JUL 26 1978

FREDDIE D. SMITH,

v.

UNITED STATES OF AMERICA,

Movant,

Respondent.

) Jack C. Silver, Clerk
) U.S. DISTRICT COURT
) 78-C-116-B
) 74-CR-86
)


O R D E R

The Court has for consideration the pro se motion of the Movant, Freddie D. Smith, to reconsider the Order dated May 23, 1978, denying his second and successive motion pursuant to 28 U.S.C. § 2255. The Court has delayed ruling herein anticipating a decision on the Movant's prior § 2255, Case No. 76-C-378, now pending before the Supreme Court of the United States on Petition for Writ of Certiorari. However, the Court feels that ruling herein should be entered without further delay.

Upon reconsideration of the May 23, 1978, Order, the Court adopts and reaffirms that Order. Movant entered a valid plea of guilty which was knowing and voluntary, free of threat, coercion, or defect. His admission of all facts well pleaded, which were fully explained to him by this Court, precludes a § 2255 attack upon a defense matter as to guilt. A valid plea of guilty waives all prior non-jurisdictional defects. Further, the Court finds that Movant's failure to assert in his prior motion this new and different defense ground alleged in the present § 2255 is not excusable. Movant has known of the ground now asserted since prior to his valid plea. In fact, on an attempted plea, prior to the valid plea, this Court declined to accept his plea of guilty since he was contending defenses which could be asserted at trial for proper consideration.

IT IS, THEREFORE, ORDERED upon reconsideration that the Court's Order of May 23, 1978, overruling and denying the § 2255 motion of Freddie D. Smith is reaffirmed and adopted. The § 2255 motion is denied and dismissed.

Dated this 26th day of July, 1978, at Tulsa, Oklahoma.


CHIEF JUDGE, UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUL 26 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

| | | |
|---------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | CIVIL ACTION NO. 78-C-218-C |
| |) | |
| JIMMY DEAN WATKINS and |) | |
| SHERYL ANN WATKINS, |) | |
| |) | |
| Defendants. |) | |

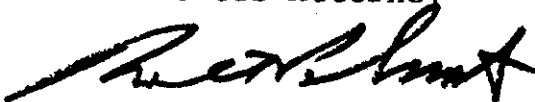
NOTICE OF DISMISSAL

COMES NOW the United States of America, Plaintiff herein, by and through its attorney, Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action, without prejudice.

Dated this 26th day of July, 1978.

UNITED STATES OF AMERICA

HUBERT H. BRYANT
United States Attorney



ROBERT P. SANTEE
Assistant United States Attorney

/cl

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties hereto by mailing the same to them or to their attorneys of record on the 26th day of July, 1978.


Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JERRY L. ROGERS, a minor,
by his father and next friend,
BILLY JOE ROGERS,

Plaintiffs

vs.

No. 78-C-221-C

BOARD OF EDUCATION OF
WYANDOTTE OKLAHOMA SCHOOL
DISTRICT, Lee Jeffery, Robert Wilson,
Betty Fields, Dan Leisure, Jerry
Strait, Ellen Gourd, and Richard
Roark,

Defendants

FILED

JUL 25 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

Pursuant to the Joint Stipulation of Dismissal Without Prejudice
filed by all the parties herein as to defendants Robert Wilson and Jerry Strait,
the Court finds that such order should issue.

BE IT, THEREFORE, ORDERED, ADJUDGED AND DECREED by the
Court that pursuant to the Joint Stipulation of the parties herein, the defend-
ants Robert Wilson and Jerry Strait be and the same are hereby dismissed
without prejudice.

DONE AND DATED this 24th day of July, 1978.

14/H. Dale Cook
United States District Judge

CC: Ray R. Fulp, Jr.
F. O. Greer
Jack C. Brown
Joseph R. Farris
Charles C. Chesnut

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUL 25 1978

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
MERLE DEE WILCOX,)
)
Defendant.)

Jack C. Silver, Clerk
U. S. DISTRICT COURT

CIVIL ACTION NO. 78-C-267-C

NOTICE OF DISMISSAL

COMES NOW the United States of America, Plaintiff herein,
by and through its attorney, Robert P. Santee, Assistant United
States Attorney for the Northern District of Oklahoma, and hereby
gives notice of its dismissal, pursuant to Rule 41, Federal
Rules of Civil Procedure, of this action, without prejudice.

Dated this 24th day of July, 1978.

UNITED STATES OF AMERICA

HUBERT H. BRYANT
United States Attorney



ROBERT P. SANTEE
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

LARRY RICO MORRISON, #86311,))
)
Petitioner,))
)
v.))
)
RICHARD A. CRISP, ET AL.,))
)
Respondents.))

No. 78-C-2-C

FILED

JUL 25 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

This is a proceeding brought pursuant to the provisions of Title 28 U.S.C. § 2254, by a state prisoner confined at the Oklahoma State Penitentiary at McAlester, Oklahoma. Petitioner attacks the validity of the judgment and sentence rendered and imposed in Case No. CRF-72-1684 on February 28, 1973. A direct appeal was taken to the Oklahoma Court of Criminal Appeals in Case No. F-73-183 which court modified the petitioner's sentence from 50 to 25 years imprisonment and, as modified, affirmed the judgment of the District Court in an unpublished opinion filed January 4, 1974. Petitioner then filed an application for post-conviction relief in the Tulsa County District Court which was denied by Order dated July 15, 1975 from which order no appeal was taken. Petitioner next filed a "Petition for Writ of Habeas Corpus and/or Petition for Writ of Mandamus" in Case No. PC-75-558 which petition was dismissed by the Oklahoma Court of Criminal Appeals on October 8, 1975. In its "Order Dismissing Petition", the Oklahoma Court of Criminal Appeals held that it was without jurisdiction to hear the petition. On May 19, 1977 petitioner filed a second application for post-conviction relief in the Tulsa County District Court which was denied on August 2, 1977. An appeal was perfected from that order to the Oklahoma Court of Criminal Appeals in Case No. PC-77-620, which court affirmed the District Court

on October 3, 1977. Petitioner has exhausted his state court remedies.

Petitioner demands his release from custody and as grounds therefor claims that he is being deprived of his liberty in violation of his rights under the Constitution of the United States of America. In particular, petitioner claims:

1. "The assistant District Attorney was guilty of unethical conduct and acted in bad faith in asking the defendant where he was arrested for this crime."
2. "Conviction was obtained by the closing arguments of the prosecuting attorney with unprofessional and unethical comments in a bold attempt to sway the jurors as an undisgused (sic) plea to the passions and prejudices of the jurors against defendant."
3. "Conviction was obtained by the unlawful comments of prosecutor regarding defendant's right to remain silent at time of arrest; which said prosecutor used as a 'hamer' to impeach defendant's testimony in violation of self-incrimination."
4. "The conceded errors of criminal appeals in Case No. F-73-183, held to be grounds for modification, were reversible errors, in that the evidence complained of did contribute to the conviction of petitioner and therefore denied him due process of law."
5. "The accumulation of errors and irregularities in the trial when considered as a whole deprived the petitioner of a fair trial. Denied him due process of law to which he is entitled under the constitution of the State of Oklahoma and the United States of America."
6. "Conviction was obtained by the unlawful failure of the prosecution to disclose evidence favorable to the defendant which could have completely exonerated petitioner and/or acted to shed further light of the crime charged, thereby giving the tries (sic) further evidence from which to reach it's verdict of guilt or innocence."

On February 6, 1978 the respondents filed their response pursuant to the Order of this Court. Petitioner filed his "Traverse to Response" on March 6, 1978.

In dealing with the issue of misconduct of the state district attorney, the Oklahoma Court of Criminal Appeals in its unpublished opinion of January 4, 1974 stated:

"In defense counsel's first and second propositions, he submits unnecessary, unethical, and improper comments of the District Attorney deprived defendant of a fair and impartial trial. We think counsel's assignment of error is well taken. The prosecutor's arguments are replete with uninvited comments upon his personal feeling regarding defendant's guilt; references to defendant and his witnesses as liars; a reference to a defense witness not offering evidence of defendant's innocence prior to the trial; and an appeal to the jurors to consider how they would feel if they were victims of a similar crime. Considering the evidence of the defendant's guilt is overwhelming and the fact these arguments are not objected to by defense counsel, we find a consideration of the prosecutor's arguments in their entirety provides a ground for modification of the sentence in the instant case. [Citations omitted] In light of the above authority, the arguments considered in their entirety, and the overwhelming evidence of the defendant's guilt, we find the judgment and sentence should be modified from fifty (50) years imprisonment to twenty-five (25) years imprisonment."

In support of Petitioner's claims of misconduct on the part of the state district attorney the petitioner first claims that the court committed prejudicial error in requiring petitioner to answer the question as to where the petitioner was at the time of his arrest. In response to the question the Petitioner was required to state that he was "In City jail". (Tr. 131) Secondly, petitioner claims that prejudicial statements were made during the state district attorney's closing arguments. The improper arguments by the prosecutor are referred to in the opinion of the Oklahoma Court of Criminal Appeals as set forth above. Thirdly, petitioner claims that the state district attorney made comments regarding petitioner's right to remain silent. A review of the transcript of the proceedings in this case

does not reveal that the state district attorney at any time during the course of the trial commented on the Petitioner remaining silent or his right to do so. The transcript does show that during the course of his closing argument the District Attorney commented upon the petitioner's alibi witnesses remaining silent during the period of time that the petitioner was in jail awaiting trial. (Tr. 142-143) The record also reveals that during the cross examination of petitioner's alibi witnesses the district attorney inquired if the witnesses had, prior to the trial told anybody that an innocent man was being held in jail in connection with the robbery. (Tr. 66, 91)

In commenting on petitioner's allegation with respect to the prosecutor's comment on petitioner's post-custodial, pre-trial silence the Oklahoma Court of Criminal Appeals in its "Order Affirming Denial of Post-Conviction Relief" filed in Case PC-77-620 on October 3, 1977, stated:

"Although petitioner has not previously brought up the specific allegation that the prosecutor commented on his post-custodial, pre-trial silence, there is no reason he could have not brought it up on appeal. Furthermore, it is merely another instance of the alleged prosecutor misconduct which was discussed by this Court in [the] case on appeal and was again brought up on the first petition for post-conviction relief. Therefore this Court need not consider them again."

Petitioner's fourth and fifth claims for relief are based upon the proposition that the accumulations of errors and irregularities in his trial when considered together denied the petitioner due process of law. All of petitioner's first five claims for relief deal with alleged trial errors that occurred during the course of his trial. Habeas corpus is not available to review such alleged trial errors. Pierce v. Page, 362 F.2d 534 (10th Cir. 1975). Such trial errors

are matters for consideration on appeal and not through habeas corpus relief. Robinson v. State of Oklahoma. 404 F. Supp. 1168 (W.D. Okl. 1975); Bradshaw v. State of Oklahoma. 398 F. Supp. 838 (E.D. Okl. 1975; Bond v. State of Oklahoma, 546 F.2d 1369. (10th Cir. 1976). Federal habeas corpus relief is available to review state court errors only where there has been a denial of constitutional rights. Townsend v. Sain, 372 U.S. 293 (1963); Karlin v. State of Oklahoma, 412 F.Supp. 635 (W.D. Okl. 1976).

Finally, petitioner claims that the State failed to disclose evidence favorable to the petitioner which could have exonerated petitioner or been used to "shed further light of the crime charged." The evidence which petitioner argues should have been made available to him was evidence of latent fingerprints lifted from the inside of the door from which petitioner attempted to exit the Safeway Store which was robbed and which fingerprints did not match the petitioner's fingerprints. In the October 3, 1977 Oklahoma Court of Criminal Appeals "Order Affirming Denial of Post-Conviction Relief" in Case No. PC-77-620 the Court stated:

"The District Court found that considering the nature and the traffic in and out of the store robbed, the fact that there was a finger print or several finger prints on the door none of which matched the petitioner's finger prints would not be exculpatory. We agree, and furthermore, the evidence was presented in the trial of petitioner's co-defendant three months before the petitioner's trial. The statement of that evidence appears in the case of Sterling v. State, Okl.Cr., 514 P.2d 401 (1973), which was published prior to petitioner's first application for post-conviction relief. Therefore, the evidence does not qualify as newly discovered evidence even though petitioner did not know of its existence until recently, as the evidence was a matter of public record prior to the time of petitioner's trial and was published in the official system prior to the time of his first application for post-conviction relief."


-2-

As stated by the Oklahoma Court of Criminal Appeals in its opinion in Case No. F-73-183 filed January 4, 1974 "the evidence of the defendant's guilt is overwhelming". In its opinion the Court also noted that three eye witnesses "positively identified the defendant as the perpetrator of the above offense, adding particular details upon which their identification was made."

After reviewing the transcript, this Court agrees with the conclusions reached by the Oklahoma Court of Criminal Appeals as to the evidence of defendant's guilt. The claim of prejudice by reason of the alleged failure of the prosecution to disclose the fingerprint evidence is without merit as a basis for habeas corpus relief under the facts and circumstances in this case. See Edwards v. State of Oklahoma, 429 F. Supp. 668 (W.D. Okl. 1976); Brady v. Maryland, 373 U.S. 83, (1963).

For the reasons stated herein, Petitioner's Petition for Writ of Habeas Corpus is denied.

IT IS SO ORDERED this 25th day of July, 1978.


H. DALE COOK
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF THE STATE OF OKLAHOMA

FILED

JUL 25 1978 *jm*

Jack C. Silver, Clerk
U. S. DISTRICT COURT

NO. 77-C-130-C ✓

WALTER GLENN WOODS and MARIA WOODS,
Plaintiffs,

VS.

ASHBY DIVISION OF CONSOLIDATED ALUMINUM
CORPORATION and WOOLCO DEPARTMENT STORES,
INC.,
Defendants.

JOURNAL ENTRY OF JUDGMENT

The above entitled action came on regularly for trial before the Court and a jury, the Honorable H. Dale Cook, District Judge, presiding, the plaintiffs appearing in person and by their attorney, Don L. Dees, and the defendants appearing by their duly designated representatives and by their attorney, Dale McDaniel, and the issues having been tried and the jury having returned its verdict, which was accepted by the Court;

IT IS THEREFORE ORDERED AND ADJUDGED that Walter Glenn Woods, plaintiff, have and recover from the Ashby Division of Consolidated Aluminum Corp., defendant, and from Woolco Department Stores, the sum of \$115,000.00, with pre-judgment interest at the rate of 6% per annum from April 6, 1977, to July 14, 1978, or \$8,776.23 together with costs of \$1,077.75, and interest thereon at the rate of 10% per annum from July 14, 1978.

IT IS FURTHER ORDERED AND ADJUDGED that Maria Woods, plaintiff, have and recover from the Ashby Division of Consolidated Aluminum Corp., and Woolco Department Stores, defendants, the sum of \$10,000.00, with pre-judgment interest thereon at the rate of 6% per annum from July 22, 1977, to July 14, 1978, or \$588.46, and with interest thereon at the rate of 10% per annum from said July 14, 1978.

Dated this 24th day of July, 1978.

APPROVED AS TO FORM:

Don L. Dees
DON L. DEES, Attorney for the Plaintiffs

Dale McDaniel
DALE MC DANIEL, Attorney for the Defendants

H. Dale Cook
H. DALE COOK, United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

CHARLES C. STEPHENSON,
4545 One Williams Center
Tulsa, Oklahoma 74103,

Plaintiff,

-vs-

GEORGE W. INGRAM
5373 West Alabama
Suite 502
Houston, Texas 77056,

Defendant.

78-C-233-B

FILED

JUL 25 1978

Jack C. Silver, Clerk
U. S. District Court

DEFAULT JUDGMENT

This matter comes on for consideration this 25th day of July, 1978, upon the application of the Plaintiff for entry of default judgment pursuant to Rule 55 of the Federal Rules of Civil Procedure and the Court finding that the Defendant has been duly and legally served with summons and complaint and has wholly failed to answer or otherwise defend and having reviewed the affidavit of the Plaintiff as to the amount due upon the Defendant's promissory note finds that the Plaintiff is entitled to judgment against the Defendant as prayed for in his complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff, Charles C. Stephenson, be and is hereby granted judgment against the Defendant, George W. Ingram, in the sum of \$35,273.53 with interest thereon at the rate of 10% per annum from February 6, 1978 until paid and for a reasonable attorney's fee in the sum of \$3,636.67 and for the costs of the action accrued and accruing.


CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 25 1978

SERVICE DRILLING CO.,

Plaintiff,

vs.

HENRY B. KELSEY and
LAST CHANCE FUND,

Defendants.

Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. 78-C-157-B

ORDER OF DISMISSAL WITH PREJUDICE

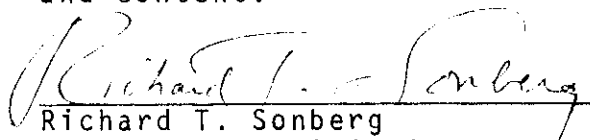
NOW on this 25th day of July, 1978, all parties to
this civil action having signed and filed a Stipulation for
its dismissal with prejudice;

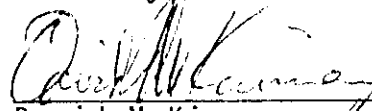
IT IS THE ORDER OF THIS COURT that the above cap-
tioned civil ^{*Cause of*} action ^{*and Complaint are*} hereby dismissed, with prejudice.

SO ORDERED.


UNITED STATES DISTRICT JUDGE

APPROVED as to form
and content:


Richard T. Sonberg
Attorney for Plaintiff


David McKinney
Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 24 1978

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

BRYAN INFANTS WEAR COMPANY,

Defendant.

Jack C. Silver, Clerk
U. S. DISTRICT COURT

CIVIL ACTION NO. 77-C-163(C)

STIPULATED JUDGMENT

This Matter coming before the Court upon the agreement of the parties, and the Court being advised in the premises, FINDS:

1. That it has jurisdiction of the parties hereto and the subject matter hereof.

2. That Bryan Infants Wear Company, while not admitting the allegations of Plaintiff's complaint, but in order to amicably settle all matters set out therein, agrees that the following shall be the judgment of the Court,

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff has judgment as follows:

That the Defendant, Bryan Infants Wear Company, shall pay to Margaret Joyce Caddy the sum of Nine Hundred Dollars (\$900.00) as a settlement amount. In consideration for the above sum of money, Margaret Joyce Caddy shall release the Defendant from all Title VII liability arising out of the Title VII charges that she filed on the 5th day of February, 1975, with the Equal Employment Opportunity Commission bearing Charge No. 063-51205-4, and the Defendant shall release Margaret Joyce Caddy and the Equal Employment Opportunity Commission from all liability arising out of said Title VII charges filed by Margaret Joyce Caddy. Each party shall pay its costs. No attorney's fees shall be awarded to either party.

ENTERED INTO on this 24th day of July, 1978,

W. Salebrook
UNITED STATES DISTRICT JUDGE

THE FOREGOING IS AGREED TO:

Margaret Joyce Caddy
MARGARET JOYCE CADDY

APPROVED FOR ENTRY

BY CONSENT:

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Abner W. Sibal
ABNER W. SIBAL
General Counsel

William L. Robinson
WILLIAM L. ROBINSON
Associate General Counsel


Office of General Counsel
2401 "E" Street, N. W.
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GEORGE H. DARDEN
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MARY CATHERINE JACKSON
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FREDERIC DORWART


J. MICHAEL MEDINA

HOLLIMAN, LANGHOLZ, RUNNELS
& DORWART
Attorneys for Defendant
Suite 700, Holarud Building
10 East Third Street
Tulsa, Oklahoma 74103

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

SELBY DISTRIBUTING, INC.,)

Plaintiff)

vs.)

No. 78 C 140 C

WAYBOURN'S, INC., also known)
as WAYBOURN'S CARPET & TILE,)
INC.,)

Defendant)

FILED

JUL 24 1978

JUDGMENT

Jack C. Silver, Clerk
U. S. DISTRICT COURT

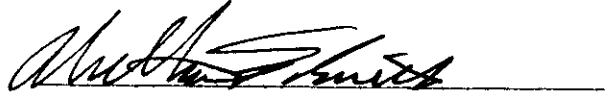
The defendant, WAYBOURN'S, INC., an Oklahoma corporation, having failed to plead or otherwise defend in this action and its default having been entered and now, upon application of the plaintiff and upon the affidavit that defendant is indebted to plaintiff in the sum of Twenty Thousand Four Hundred Forty Dollars and Ten Cents (\$20,440.10), interest thereon at the rate of ten percent (10%) per annum from the 31st day of October, 1977, until paid, attorneys fees in the sum of Two Thousand Dollars (\$2,000.00) and costs in the sum of Twenty-six Dollars and Sixteen Cents (\$26.16); that defendant has failed to appear or otherwise defend; and, that defendant is not an infant or incompetent person and is not in the military service of the United States, the Court finds that judgment should be entered in favor of plaintiff and against the defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff recover of defendant the sum of Twenty Thousand Four Hundred Forty Dollars and Ten Cents (\$20,440.10), with interest at the rate of ten percent (10%) per annum from the 31st day of October, 1977, until paid, attorneys fees in the sum of Two Thousand Dollars (\$2,000.00) and costs in the sum of Twenty-six Dollars and Sixteen Cents (\$26.16).

J. S. W. Dale Cook
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of July, 1978, I mailed a true, correct and exact copy of the within and foregoing instrument to: LARRY L. OLIVER, Fourth National Building, Tulsa, Oklahoma 74119, the registered service agent of the defendant, Waybourn's, Inc., with proper postage thereon fully prepaid.

A handwritten signature in cursive script, appearing to read "WFS", is written over a horizontal line.

WFS/dkg

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

CIVIL ACTION NO. 76-C-614-C

BILBO NEWMAN COMPANY, INC.,
PURSER E. NEWMAN a/k/a P. E.
NEWMAN, MAXINE NEWMAN, CITY BANK
AND TRUST COMPANY, a Corporation,
JOE FRANCIS, Attorney-at-Law,
DW & P CORP., INC., an Oklahoma
Corporation, and JOHNNY DUKE,

Defendants,

and

FIRST NATIONAL BANK AND TRUST
COMPANY OF TULSA, a National
Banking Association,

Intervenor.

FILED

JUL 24 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 24th
day of July, 1978, the Plaintiff appearing by Robert P.
Santee, Assistant United States Attorney; the Defendant, City
Bank and Trust Company, a State Banking Corporation, appearing
by its Attorney, James G. Fehrle; the Defendant, First National
Bank and Trust Company of Tulsa, a National Banking Association,
appearing by its attorneys, Joseph J. McCain, Jr. and Douglas L.
Inhofe; the Defendant, Joe Francis, appearing pro se; and, the
Defendants, Bilbo Newman Company, Inc., Purser E. Newman a/k/a
P. E. Newman, Maxine Newman, DW & P Corp., Inc., and Johnny
Duke, appearing not.

The Court being fully advised and having examined the
file herein finds that City Bank and Trust Company, a State Banking
Corporation, was served with Summons and Complaint on December 13,
1976, with Summons and Amendment to Complaint on July 13, 1977,
and with Summons and Second Amendment to Complaint on February 6,
1978; that Defendant, Joe Francis, was served with Summons and
Complaint on December 13, 1976, with Summons and Amendment to
Complaint on July 13, 1977, and with Summons and Second Amendment

to Complaint on January 30, 1978; that Defendant, Mercantile Bank and Trust Company, a State Banking Corporation, was served with Summons and Complaint on December 13, 1976, and was dismissed from this action by Order of the Court entered January 27, 1977; that First National Bank and Trust Company of Tulsa, a National Banking Association (hereinafter First National) intervened in this matter on March 29, 1977, by Order of the Court entered March 28, 1977, and was served with Summons and Amendment to Complaint on July 13, 1977, and with Summons and Second Amendment to Complaint on January 27, 1978; that DW & P Corp., Inc., added as a Defendant by Order of the Court entered April 1, 1977, was served with Summons, Complaint and Order on July 6, 1977, with Summons and Amendment to Complaint on August 1, 1977, with Summons and Second Amendment to Complaint on February 6, 1978; that Johnny Duke, added as a Defendant by Order of the Court entered April 1, 1977, was served with Summons, Complaint and Order on April 26, 1977, with Summons and Amendment to Complaint on July 29, 1977, with Summons and Second Amendment to Complaint on January 27, 1978; and that Defendants, Bilbo Newman Company, Inc., Purser E. Newman a/k/a P. E. Newman (hereinafter Purser E. Newman), and Maxine Newman, if living, or if not, her unknown heirs, assigns, executors or administrators (hereinafter Maxine Newman), were served by publication as shown on the Proof of Publication filed herein.

It appearing that the Defendant, City Bank and Trust Company, a State Banking Corporation, filed its Answer and Cross-Claim to the Complaint on January 4, 1977, filed its Answer to Amendment to Complaint on July 26, 1977, and filed its Answer to Second Amendment to Complaint on February 17, 1978; that Defendant, Joe Francis, filed his Answer to the Complaint on January 3, 1977, and filed his Answer to Amendment to Complaint on July 20, 1977; that Defendant, First National, filed its Answer in Intervention on March 29, 1977, filed its Answer to Amendment to Complaint on August 2, 1977; and filed its Answer to Second Amendment to Complaint

on February 16, 1978; and, that Defendants, DW & P Corp., Inc., Johnny Duke, Bilbo Newman Company, Inc., Purser E. Newman, and Maxine Newman, have failed to answer herein and that default has been entered by the Clerk of this Court.

The Court finds that this is a suit based upon multiple notes and mortgages on several properties located in three (3) counties within the Northern District of Oklahoma. The chronological history of this matter, which will be elaborated on herein with specific dates, amounts, and descriptions, is as follows:

Bilbo Newman Company, Inc. borrowed \$100,000.00 from City Bank and Trust Company, a State Banking Corporation (hereinafter City Bank). This loan was guaranteed by the Small Business Administration (hereinafter SBA), an agency and instrumentality of the Plaintiff, United States of America. Purser E. Newman and Maxine Newman, husband and wife, guaranteed this loan. In addition, Purser E. Newman and Maxine Newman purportedly mortgaged to City Bank certain property they owned located in Creek, Tulsa, and Delaware Counties. The Newman's owned an undivided 3/8ths interest in the Tulsa County property, the remaining undivided 5/8ths interest being owned by the Dwight Joseph Boman Inter Vivos Trust, First National as trustee. City Bank assigned the note, mortgage and guaranty to SBA and thereafter loaned Purser E. Newman \$95,000.00 taking a mortgage on the Creek County property. By agreement with the SBA, City Bank's mortgage on the Creek County property was determined superior to the earlier mortgage then owned by the SBA by reason of assignment. Subsequent thereto, City Bank loaned Bilbo Newman Company, Inc. and Purser E. Newman \$34,011.75 and took as security a mortgage on the interest of the Newmans in the Tulsa County property which was secondary to the mortgage interest of the SBA, and also took an additional mortgage on the Creek County property. There was no subordination of the SBA's primary position as to the Tulsa County property, nor as to the additional mortgage on the Creek County property.

Defendant, Joe Francis, took a mortgage from Bilbo Newman Company, Inc. and Purser E. Newman on their interest in Tulsa County and the Creek County properties, which mortgage was subject to the mortgage lien interests of the SBA and City Bank.

Additionally, Joe Francis became the assignee of a judgment against Bilbo Newman Company, Inc. in the principal amount of \$46,000.00 plus accrued and accruing interest, attorney fees and costs, which judgment gave Joe Francis a lien interest in and to an undivided 3/8ths interest in the Tulsa County property owned by Bilbo Newman Company, Inc. and Purser E. Newman.

The Court finds that this is a suit based upon a mortgage note and foreclosure on a real property mortgage securing said note upon the interests of certain defendants in the following described real properties located in Creek, Tulsa, and Delaware Counties, Oklahoma, with the Northern Judicial District of Oklahoma.

On or about January 31, 1973, the Defendant, Bilbo Newman Company, Inc. executed and delivered to City Bank its promissory note in the amount of \$100,000.00 payable in monthly installments with interest thereon at the rate of 8 1/2 percent per annum. On or about December 17, 1975, City Bank transferred and assigned to SBA, without recourse, said promissory note.

The Court finds that as security for the payment of the above-described note, the Defendants, Purser E. Newman and Maxine Newman, executed and delivered to City Bank a Guaranty dated January 31, 1973, wherein payment in full of said note was guaranteed by Purser E. Newman and Maxine Newman. Said Guaranty was assigned to the SBA on or about February 5, 1976.

The Court finds that as security for the payment of the above-described note, the Defendants, Purser E. Newman and Maxine Newman executed and delivered to City Bank a real estate mortgage dated January 31, 1973, covering their interest in the following described real properties located in Creek, Tulsa and Delaware Counties:

TULSA COUNTY PROPERTY

A tract of land in the East Half of the SE 1/4 of the SE 1/4 of the SE 1/4 of Section 15, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Survey thereof, more particularly described as follows: Beginning 440 feet North of the Southeast corner of Section 15, Township 19 North, Range 13 East, and on East boundary thereof, thence West 330 feet; thence North 50 feet; thence East 330 feet; thence South 50 feet to place of beginning, less East 50 feet for highway purposes, containing .379 acres, more or less.

CREEK COUNTY PROPERTY

A tract of land in the East Half of the Southeast Quarter (E/2 SE/4) of Section 6, Township 18 North, Range 12 East, in Creek County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point on the South line of said Section 6, a distance of 79.6 feet East of the Southwest corner of the East Half of the Southeast Quarter (E/2 SE/4) of Section 6, said point also being the intersection of the Southeasterly right of way line of U.S. Highway 66, with the South line of said Section 6; thence North $25^{\circ} 12'$ East along the Southeasterly right of way line of U.S. Highway 66, a distance of 721.40 feet to a point; thence North $64^{\circ} 48'$ West along the Southeasterly right of way line of U.S. Highway 66, a distance of 50 feet to a point; thence North $25^{\circ} 12'$ East along the Southeasterly right of way line of U.S. Highway 66, a distance of 88.63 feet to a point; thence South $78^{\circ} 16'30''$ East a distance of 158.98 feet to a point on the Northwesterly right of way of the Tulsa Sapulpa Union Railway; thence Southwesterly along the Northwesterly right of way of the Tulsa Sapulpa Union Railway on a curve to the left with a radius of 2914.79 feet a distance of 276.29 feet to a point; thence South $23^{\circ} 32'$ West along the Northwesterly right of way of the Tulsa Sapulpa Union Railway a distance of 520.27 feet to a point of intersection with the South line of said Section 6; thence West along the South line of said Section 6, a distance of 120.73 feet to the point of beginning.

Said property is also described as follows:

Tract 1: A tract of land in the East Half of the Southeast Quarter (E/2 SE) of Section 6, Township 18 North, Range 12 East, Creek County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point on the South line of said Section 6, a distance of 79.6 feet East of the Southwest corner of the East Half of the Southeast Quarter of said Section 6, said point also being the intersection of the Southeasterly right of way line of U.S. Highway 66 with the South line of said Section 6; thence North $25^{\circ} 12'$ East along the Southeasterly right of way line of U.S. Highway 66, a distance of 721.40 feet to a point; thence South $64^{\circ} 48'$ East a distance of 93.36 feet to a point on the Northwesterly right of way line of the Tulsa Sapulpa Union Railway Company; thence Southwesterly around a non-tangent curve to the left of 2914.79 foot radius along the Northwesterly right of way line of the Tulsa Sapulpa Union Railway Company, a distance of 150.07 East to a point; thence South $23^{\circ} 32'$ West along the Northwesterly right of way line of the Tulsa Sapulpa Union Railway Company, a distance of 520.27 feet to a point on the South line of said Section 6; thence West along the South line of said Section 6, a distance of 120.73 feet to the point of beginning; AND

Tract 2: A tract of land in the East Half of the Southeast Quarter (E/2 SE/4) of Section 6, Township 18 North, Range 12 East, Creek County, Oklahoma, more particularly described as follows, to-wit: Starting at the Southwest corner of the East Half

of the Southeast Quarter of Section 6, thence East along the South line of said Section 6, a distance of 79.6' to a point of the Southeasterly right of way line of U.S. Highway 66; thence North 25° 12' East of the Southeasterly right of way line of U.S. Highway 66 a distance of 721.40' to the point of beginning; thence North 64° 48' West along the Southeasterly right of way line of U.S. Highway 66 a distance of 50' to a point; thence North 25° 12' East along the Southeasterly right of way line of U.S. Highway 66 a distance of 88.63' to a point; thence South 78° 16' 30" East a distance of 158.98' to a point on the Northwesterly right of way line of the Tulsa Sapulpa Union Railway Company; thence Southwesterly along a non-tangent curve to the left of 2914.79 foot radius along the Northwesterly right of way line of the Tulsa Sapulpa Union Railway Company, a distance of 126.22' to a point; thence North 64° 48' West a distance of 93.36' to the point of beginning, containing one-half (1/2) acre more or less.

DELAWARE COUNTY PROPERTY

Lot Thirty-Four (34), Block Four (4), GRAN TARA FIRST ADDITION, a Subdivision in Delaware County, State of Oklahoma, according to the recorded plat thereof.

Said mortgagewas recorded in Creek County on February 27, 1973, in Book 16, Pages 413-417. Said mortgage was assigned by City Bank to SBA by instrument dated February 5, 1976, filed March 30, 1976, in Book 39, Pages 253-254. Said mortgage was recorded in Tulsa County on March 5, 1973, in Book 4058, Page 222. By instrument dated January 2, 1975, City Bank executed a Partial Release of Mortgage covering the following described property:

Beginning at a point 440 feet North and 24.75 feet West of the Southeast Corner of Section Fifteen (15), Township Nineteen (T19N) North, Range Thirteen (R13E) East, in Tulsa, Tulsa County, Oklahoma; thence West a distance of 8 feet to a point; thence in a North-easterly direction a distance of 50.02 feet to a point 31.75 feet West and 490 feet North of the Southeast Corner of said Section Fifteen (15); thence East a distance of 7 feet to a point 24.75 feet West of the East Line of said Section Fifteen (15); thence South parallel to said East line a distance of 50 feet to the point of beginning.

Said Partial Release of Mortgage was recorded in Tulsa County on December 3, 1975, in Book 4193, Page 1758. Said mortgage was assigned by City Bank to SBA by instrument dated February 5, 1976, and recorded in Tulsa County on March 29, 1976, Book 4208, Page 564. Said mortgage was recorded in Delaware County on February 27, 1973, Book 310, Pages 237-240. Said mortgage was assigned by City Bank to SBA by instrument dated February 5, 1976, recorded

in Delaware County on March 25, 1976, in Book 343, Page 791.

The Court further finds that the Defendants, Bilbo Newman Company, Inc., Purser E. Newman, and Maxine Newman, made default under the terms of the aforesaid mortgage note by reason of their failure to make installments due thereon, which default has continued and that by reason thereof the above-named Defendants are now indebted to Plaintiff in the sum of \$55,754.84 as of May 18, 1976, with interest thereon at a daily rate of \$12.4382 from May 18, 1976, until paid, plus the cost of this action accrued and accruing.

The Court finds that Purser E. Newman did, on the 5th day of June, 1974, execute and deliver to City Bank his mortgage and mortgage note in the sum of \$95,000.00 with interest thereon at the rate of 9 3/4 percent per annum, until paid. The Court finds that said mortgage covered the following described property located in Creek County:

Tract 1: A tract of land in the East Half of the Southeast Quarter (E/2 SE) of Section 6, Township 18 North, Range 12 East, Creek County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point on the South line of said Section 6, a distance of 79.6 feet East of the Southwest corner of the East Half of the Southeast Quarter of said Section 6, said point also being the intersection of the Southeasterly right of way line of U.S. Highway 66 with the South line of said Section 6; thence North 25° 12' East along the Southeasterly right of way line of U.S. Highway 66, a distance of 721.40 feet to a point; thence South 64° 48' East a distance of 93.36 feet to a point on the Northwesternly right of way line of the Tulsa Sapulpa Union Railway Company; thence Southwesterly around a non-tangent curve to the left of 2914.79 foot radius along the Northwesternly right of way line of the Tulsa Sapulpa Union Railway Company, a distance of 150.07 East to a point; thence South 23° 32' West along the Northwesternly right of way line of the Tulsa Sapulpa Union Railway Company, a distance of 520.27 feet to a point on the South line of said Section 6; thence West along the South line of said Section 6, a distance of 120.73 feet to the point of beginning; AND

Tract 2: A tract of land in the East Half of the Southeast Quarter (E/2 SE/4) of Section 6, Township 18 North, Range 12 East, Creek County, Oklahoma, more particularly described as follows, to-wit: Starting at the Southwest corner of the East Half of the Southeast Quarter of Section 6, thence East along the South line of said Section 6, a distance of 79.6' to a point of the Southeasterly right of way line of U.S. Highway 66; thence North 25° 12' East of the Southeasterly right of way line of U.S. Highway 66 a distance of 721.40' to the point of

beginning; thence North 64° 48' West along the Southeasterly right of way line of U.S. Highway 66 a distance of 50' to a point; thence North 25° 12' East along the Southeasterly right of way line of U.S. Highway 66 a distance of 88.63' to a point; thence South 78° 16'30" East a distance of 158.98' to a point on the Northwesterly right of way line of the Tulsa Sapulpa Union Railway Company; thence Southwesterly along a non-tangent curve to the left of 2914.79 foot radius along the Northwesterly right of way line of the Tulsa Sapulpa Union Railway Company, a distance of 126.22' to a point; thence North 64° 48' West a distance of 93.36' to the point of beginning, containing one-half (1/2) acre more or less.

That said mortgage was duly recorded in Creek County on June 12, 1974, in Book 25, Pages 1795-1799. The Court further finds that said mortgage was the subject of a Subordination Agreement by and between City Bank and SBA wherein City Bank's mortgage of June 5, 1974, in the amount of \$95,000.00 was given priority over the SBA mortgage of January 31, 1973, in the amount of \$100,000.00.

The Court finds that Defendant, Purser E. Newman, made default under the terms of the mortgage note of June 5, 1974, to City Bank by reason of his failure to make the installments due thereon, which default has continued, and that by reason thereof, Purser E. Newman is now indebted to City Bank in the sum of \$82,987.14, plus accrued interest to May 23, 1978, in the amount of \$3,065.97, plus interest at a daily rate of \$21.75 from May 23, 1978, until paid, plus ad valorem taxes and insurance paid by City Bank during the pendency of this action in the amount of \$2,685.45, plus an attorney's fee of \$8,348.71, plus costs of this action paid by City Bank accrued and accruing. The Court specifically finds that by virtue of the Subordination Agreement, City Bank's mortgage of June 5, 1974, is superior to the SBA mortgage of January 31, 1973, insofar as each relates to the Creek County property described above.

The Court finds that Bilbo Newman Company, Inc. and Purser E. Newman did, on May 23, 1975, execute and deliver their mortgage and mortgage note to City Bank in the amount of \$34,011.75 with interest thereon at the rate of 13 percent per annum and further providing for payment of installments of principal and interest. Said mortgage covered the above-described property located in Creek County, and also covered the mortgagors' interests in the following-described property located in Tulsa County, to-wit:

A tract of land in the East Half of the SE 1/4 of the SE 1/4 of the SE 1/4 of Section 15, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Survey thereof, more particularly described as follows: Beginning 440 feet North of the Southeast Corner of Section 15, Township 19 North, Range 13 East, and on East boundary thereof; thence West 330 feet; thence North 50 feet; thence East 330 feet; thence South 50 feet to place of beginning, less East 50 feet for high way purposes,

LESS AND EXCEPT:

Beginning at a point 440 feet North and 24.75 feet West of the Southeast Corner of Section Fifteen (15), Township Nineteen (T19N) North, Range Thirteen (R13E) East, in Tulsa, Tulsa County, Oklahoma; thence West a distance of 8 feet to a point; thence in a North-easterly direction a distance of 50.02 feet to a point 31.75 feet West and 490 feet North of the Southeast Corner of said Section Fifteen (15); thence East a distance of 7 feet to a point 24.75 feet West of the East Line of said Section Fifteen (15); thence South parallel to said East Line a distance of 50 feet to the point of beginning.

Said mortgage was recorded in Tulsa County on June 3, 1975, in Book 4167, Pages 1835-1838, and in Creek County on June 3, 1975, in Book 32, Pages 783-787. Said mortgage is subject to and inferior to the SBA mortgage of January 31, 1973.

The Court further finds that the Defendants, Bilbo Newman Company, Inc. and Purser E. Newman, made default under the terms of the aforesaid mortgage note by reason of their failure to make installments due thereon, which default has continued and that by reason thereof the above-named Defendants are now indebted to City Bank in the sum of \$34,011.75 as of May 23, 1975, plus interest thereon at the rate of 13 percent per annum from May 23, 1975, until paid, plus the cost of this action paid by City Bank accrued and accruing, plus an attorney's fee in the sum of \$3,451.18.

The Court further finds that the Defendants, Bilbo Newman Company, Inc. and Purser E. Newman, executed and delivered to Joe Francis, Attorney-at-Law, their mortgage covering their interest in the following described property in Tulsa and Creek Counties, Oklahoma:

TRACT A - Located in Tulsa County, Oklahoma described as follows: to-wit:

Beginning Four Hundred Forty feet (440') North and Twenty-four and Seventy-five hundredths feet (24.75') West of the Southeast corner of Section 15, Township 19 North, Range 13 East of the Indian

Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, thence West 216.09 feet; thence North 50 feet; thence East 216.09 feet; thence South 50 feet to the point of beginning (an undivided 3/8 interest).

TRACT B - Located in Creek County, Oklahoma, described as follows, to-wit:

A Tract of land in the East Half of the Southeast Quarter of Section 6, Township 18 North, Range 12 East, in Creek County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point on the South line of said Section 6, a distance of 79.6 feet East of the Southwest corner of the East Half of the Southeast Quarter of said Section 6, said point also being the intersection of the Southeasterly Right-of-Way line of said Section 6; thence North 25° 12' East along the Southeasterly Right-of-Way line of U.S. Highway 66, a distance of 721.40 feet to a point; thence North 64° 48' West along the Southeasterly Right-of-Way line of U.S. Highway 66, a distance of 50 feet to a point; thence North 25° 12' East along the Southeasterly Right-of-Way line of U.S. Highway 66, a distance of 88.63 feet to a point; thence South 78° 16'30" East a distance of 158.98 feet to a point on the Northwesternly Right-of-Way line of the Tulsa Sapulpa Union Railway; thence Southwesterly along the Northwesternly Right-of-Way of the Tulsa Sapulpa Union Railway on a curve to the left with a radius of 2914.79 feet a distance of 276.29 feet to a point; thence South 23° 32' West along the Northwesternly Right-of-Way line of the Tulsa Sapulpa Union Railway a distance of 520.27 feet to a point of intersection with the South line of said Section 6; thence West along the South line of said Section 6, a distance of 120.73 feet to the point of beginning.

which mortgage was recorded in Tulsa County on February 27, 1976, in Book 4204, Page 917. Said mortgage is subject to and inferior to the mortgage interests of City Bank and the United States of America.

The Court further finds that Defendant, Joe Francis, Attorney-at-Law, has a judgment lien interest in and to an undivided 3/8ths interest in the Tulsa County property above described by reason of an Assignment of Judgment filed February 3, 1976, records of Tulsa County, Oklahoma, which judgment was taken against Defendants, Bilbo Newman Company, Inc. and Purser E. Newman, in favor of Mercantile Bank and Trust Company, in C-75-1796 in the District Court in and for Tulsa County, State of Oklahoma, which judgment is in the amount of \$46,000.00 plus accrued interest of \$3,352.74 as of October 31, 1975, plus 10 percent interest per annum thereafter, plus attorney's fee of \$1,365.00, plus \$167.50 costs, which judgment was recorded in Tulsa County, in Book 29,

Page 439, on October 31, 1975, and subsequently assigned to Joe Francis aforesaid. Said judgment lien is subject to and inferior to the mortgage liens of City Bank and United States of America, but is superior to the mortgage lien of defendant, Joe Francis.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United States of America have and recover judgment against Bilbo Newman Company, Inc., Purser E. Newman, and Maxine Newman, in rem, for the sum of \$55,754.84 as of May 18, 1976, with interest thereon at a daily rate of \$12.4382 from May 18, 1976, until paid, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that City Bank have and recover judgment against the Defendant, Purser E. Newman, in rem, in the principal amount of \$82,987.14 plus accrued interest to May 23, 1978, in the amount of \$3,065.97 plus interest at a daily rate of \$21.75 from May 23, 1978, until paid, plus ad valorem taxes and insurance in the amount of \$2,685.45 plus an attorney's fee of \$8,348.71, plus costs of this action paid by City Bank accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that City Bank have and recover judgment against the Defendants, Bilbo Newman Company, Inc. and Purser E. Newman, in rem, in the amount of \$34,011.75 as of May 23, 1975, plus interest thereon at the rate of 13 percent per annum from May 23, 1975, until paid, plus the costs of this action paid by City Bank accrued and accruing, plus an attorney's fee in the sum of \$3,451.18.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant, Joe Francis, Attorney-at-Law, have and recover judgment against the Defendants, Bilbo Newman Company, Inc. and Purser E. Newman, in rem, in the amount of \$46,000.00 plus accrued interest of \$3,352.72 as of October 31, 1975, plus 10 percent interest per annum thereafter, plus attorney's fee of \$1,365.00, plus \$167.50 costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America, City Bank, and Joe Francis have and recover judgment, in rem, against the Defendant, DW & P Corp.,

Inc., Johnny Duke, and Maxine Newman, if living, or if not, her unknown heirs, assigns, executors, or administrators.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of the Defendants, Bilbo Newman Company, Inc., Purser E. Newman, and Maxine Newman, to satisfy the money judgment of the United States of America and upon the failure of the Defendant, Purser E. Newman, to satisfy the money judgment of City Bank, and upon the failure of the Defendants, Bilbo Newman Company, Inc. and Purser E. Newman, to satisfy the second money judgment of City Bank, and upon the failure of the Defendants, Bilbo Newman Company, Inc. and Purser E. Newman, to satisfy the judgment lien of Joe Francis, Attorney-at-Law, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma commanding him to advertise and sell in the order listed below with appraise-ment the real properties described herein and apply the proceeds thereof in satisfaction of the aforesaid judgments as follows:

AN UNDIVIDED 3/8THS INTEREST IN AND TO
THE TULSA COUNTY PROPERTY

Priorities

- (1) Costs of the sale accrued and accruing.
- (2) Judgment of the United States of America.
- (3) Judgment of City Bank.
- (4) Judgment of Joe Francis.

CREEK COUNTY PROPERTY

Priorities

- (1) Costs of the sale accrued and accruing.
- (2) Judgment of City Bank, excluding attorney's fee.

(The issue of priority by and between City Bank's attorney's fee and the judgment of the USA is herewith reserved for later determination by the Court.)

- (3) Judgment of United States of America.
- (4) Second Judgment of City Bank.

DELAWARE COUNTY PROPERTY

Priorities

- (1) Judgment of United States of America.

If the sale of the undivided 3/8ths interest in the Tulsa County property realizes sufficient funds to satisfy the indebtedness of the United States of America, City Bank, and Joe Francis, then the sales of the Creek County property and Delaware

County property shall be cancelled. If the sale of the undivided 3/8ths interest in the Tulsa County Property and the sale of the Creek County Property realize sufficient funds to satisfy the indebtedness of the United States of America, City Bank, and Joe Francis, then the sale of the Delaware County property shall be cancelled. If a residue exists after the satisfaction of the priorities listed above in any of the sales, such residue shall be deposited with the Clerk of the Court to await further order of the Court determining the priorities, if any, that exists beyond those sited above.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that from and after the sale of such interests in these properties, under and by virtue of this judgment, all of the Defendants, and each of them, and all persons claiming under them since the filing of the Complaint herein or before, be and they are forever barred and foreclosed of any right, title, interest, or claim in or to the real property or any part thereof.

W. H. Dale Cook
UNITED STATES DISTRICT JUDGE

APPROVED:

Robert P. Santee
ROBERT P. SANTEE
Assistant United States Attorney

James G. Fehrle
JAMES G. FEHRLE
Attorney for Defendant,
City Bank and Trust Company

Joseph J. McCain, Jr. and Douglas L. Inhofe
JOSEPH J. MCCAIN, JR. and
DOUGLAS L. INHOFE
Attorneys for Defendant,
First National Bank and Trust
Company of Tulsa

Joe Francis
JOE FRANCIS, PRO SE

FILED

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CIVIL ACTION NO. 77-C-532-B

Allen E. Berman
UNITED STATES DISTRICT JUDGE


ROBERT P. SANTEE
Assistant United States Attorney

FILED

JUL 20 1978 *hm*

Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

-----x
GRANVILLE HINTON, Individually,
and Representative,

Plaintiff,

-against-

LEE CHARLES MILTON, and SMITH
ESTATE, Claimant Owner,
Individually, Representative,

Defendant.
-----x

Civil Action

File No. 78-C-237-C ✓

NOTICE OF VOLUNTARY
DISCONTINUANCE

AND DISMISSAL WITHOUT
PREJUDICE

"COMES NOW the plaintiff and files his Notice of
Voluntary Discontinuance without prejudice to renew, and
does hereby discontinue the above-entitled action without
prejudice to renew at plaintiff's costs." Rule 41(a)(1)(i).

Dated, New York, New York
July 12, 1978.

Granville Hinton
GRANVILLE HINTON
Plaintiff, in person
c/o IRVING BIERMAN, Esquire
30 East 42nd Street
New York, New York, 10017
Tel. (212) MU. 2-3392

TO:

Defendant
LEE CHARLES MILTON
4630 North Trenton Avenue
Tulsa, Oklahoma, 74126

CHARELS R. HOGSHEAD, Esquire
CHARELS G. DAVIS, Esquire
Attorneys for Defendant
630 West 7th Street - Suite 500
Tulsa, Oklahoma, 74127
Tel. (918) 584-3338

Assistant United States Attorney

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA JUL 19 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ERNEST CRAWFORD,
Plaintiff,
vs
ARROW TRUCK SALES, INC., a
Missouri Corporation; FORD
MOTOR COMPANY, a Corporation;
and RADIO CORPORATION OF
AMERICA, d/b/a HERTZ TRUCK
RENTAL, a Domesticated
Corporation,

No. 76-C-²³⁴~~623~~-B

Defendants.

JOURNAL ENTRY OF JUDGMENT

The Court, having appointed a Special Master for the purpose of trying the above styled and numbered cause, and each party having stipulated that the cause might be tried by Special Master, this cause coming on for trial by jury on the 13th and 14th day of July, 1978; the Defendant Arrow Truck Sales, Inc., a corporation, having previously been removed from the cause by Stipulation of Dismissal signed by all parties; and Radio Corporation of America, d/b/a Hertz Truck Rental, having been dismissed from the cause by the Special Master at the conclusion of Plaintiff's evidence upon motion for judgment by Defendant Radio Corporation of America d/b/a Hertz Truck Rental; and the jury, having returned a verdict in favor of the Plaintiff and as against the Defendant Ford Motor Company, a corporation, in the sum of \$150,000.00, and the Special Master having recommended to this Court that the award of the jury be accepted by the Court and entered herein, it is, therefore, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and is hereby granted judgment as against the Defendant Ford Motor Company in the sum of \$150,000.00.

Dated this ~~17th~~^{19th} day of July, 1978.


UNITED STATES DISTRICT JUDGE

APPROVED:

FARMER, WOOLSEY, TIPS & GIBSON

GREEN FELDMAN & HALL

By 
THOMAS S. CREWSON

By 
WILLIAM S. HALL

Attorneys for Plaintiff

Attorney for Defendant Ford Motor Company

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

160 JUL 19 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

SAWYER DRILLING CO., INC.,
a corporation,

Plaintiff,

vs.

No. 78-C-251-B

PAISANO-NODAWAY ENTERPRISES,
INC., a corporation,

Defendant,

JUDGMENT BY DEFAULT

This cause came on for ~~hearing~~ ^{consideration} at this time on the motion of SAWYER DRILLING COMPANY, INC., plaintiff in the above entitled cause, for a judgment by default, pursuant to Rule 55(b)(2) Federal Rules of Civil Procedure, the plaintiff appearing by ROBERT S. FARRIS, of FRAZIER, GRAHAM, SMITH & FARRIS, Attorneys of Record for the plaintiff herein, and the defendant, PAISANO-NODAWAY ENTERPRISES, INC., appears not.

The Court being fully advised and having examined the facts herein finds that the Complaint in the above cause was filed in this Court on the 9th day of June, 1978, and that the summons and complaint were duly served on the defendant on the 15th day of June, 1978, all as appears from the United States Marshall's Service herein, and that no answer or other defense has been filed by the defendant, and that default has been entered by the Clerk of this Court and that no proceedings have been taken by the defendant since said default was entered.

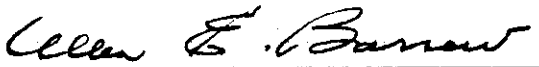
The Court further finds that this is a suit based upon a contract for labor and services supplied by the plaintiff to the defendant, and that plaintiff has supplied said labor and services, and that the defendant has failed to pay plaintiff for the same, and that by reason thereof the defendant is now indebted to the plaintiff in the sum of Ten Thousand Eight Hundred and Ten Dollars (10,810.00).

The Court further finds that there is due plaintiff from the defendant the sum of Seven Hundred Fifty Dollars (\$750.00) as and

for a reasonable attorney fee and the costs of this action amounting to Fifty-six Dollars and Thirty Two Cents (\$56.32).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that plaintiff, SAWYER DRILLING COMPANY, INC., have and recover judgment against the defendant, PAISANO-NODAWAY, the sum of Ten Thousand Eight Hundred Ten Dollars (\$10,810.00), an attorney fee of Seven Hundred Fifty Dollars (\$750.00), and costs of Fifty Six Dollars and Thirty Two Cents (\$56.32).

Dated this 19th day of July, 1978.



CHIEF JUDGE, United States
District Court for the
Northern District of Oklahoma

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
7/19 JUL 19 1978
Jack C. Silver, Clerk
U. S. DISTRICT COURT

PILSHAW EXPLOSIVES CO., INC.,)
a corporation,)
Plaintiff,)
vs.)
PAISANO-NODAWAY ENTERPRISES,)
INC., a corporation)
Defendant,)

No. 78-C-252-B

JUDGMENT BY DEFAULT

Consolidated
This cause came on for ~~hearing~~ at this time on the motion of PILSHAW EXPLOSIVES CO., INC., plaintiff in the above entitled cause, for a judgment by default, pursuant to Rule 55(b)(2) Federal Rules of Civil Procedure, the plaintiff appearing by ROBERT S. FARRIS, of FRAZIER, GRAHAM, SMITH & FARRIS, Attorneys of Record for the plaintiff herein, and the defendant, PAISANO-NODAWAY ENTERPRISES, INC., appears not.

The Court being fully advised and having examined the facts herein finds that the Complaint in the above cause was filed in this Court on the 9th day of June, 1978, and that the summons and complaint were duly served on the defendant on the 15th day of June, 1978, all as appears from the United States Marshall's Service herein, and that no answer or other defense has been filed by the defendant, and that default has been entered by the Clerk of this Court and that no proceedings have been taken by the defendant since said default was entered.

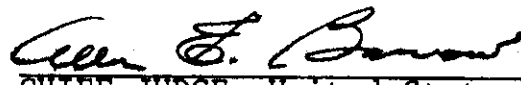
The Court further finds that this is a suit based upon a contract for materials and labor supplied by the plaintiff to the defendant, and that plaintiff has supplied said materials and labor, and that the defendant has failed to pay plaintiff for the same, and that by reason thereof the defendant is now indebted to the plaintiff in the sum of Ten Thousand Eighty Three Dollars and Seventy Nine Cents (\$10,083.79).

The Court further finds that there is due plaintiff from the defendant the sum of Seven Hundred Fifty Dollars (\$750.00) as and

for a reasonable attorney fee and the costs of this action amounting to Fifty-six Dollars and Thirty Two Cents (\$56.32).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that plaintiff, PILSHAW EXPLOSIVES CO., INC., have and recover judgment against the defendant, PAISANO-NODAWAY, the sum of Ten Thousand Eighty Three Dollars and Seventy Nine Cents (10,083.79), an attorney fee of Seven Hundred Fifty Dollars (\$750.00), and costs of Fifty Six Dollars and Thirty Two Cents (\$56.32).

Dated this 19th day of July, 1978.


CHIEF JUDGE, United States
District Court for the
Northern District of Oklahoma

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 19 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

BARBARA JEAN ESTES, individually,)
SHELLEY DAWN ESTES, a minor, who)
sues by and through her mother and)
next friend, BARBARA JEAN ESTES,)
TERRY DEWAYNE ESTES, a minor who)
sues by and through his mother and)
next friend, BARBARA JEAN ESTES;)
and BARBARA JEAN ESTES, Administra-)
trix of the Estate of ROBERT ALONZO)
ESTES, JR., Deceased,)

Plaintiffs,)

vs.)

No. 76-C-415-B

AMERICAN LA FRANCE, INC., a corporation,)
otherwise known as American-LaFrance)
Foamite Corporation, a corporation,)
otherwise known as "Automatic Sprinkler)
Corporation of America, a corporation;)
and STERLING PRECISION CORPORATION, a)
corporation,)

Defendants.)

ORDER OF DISMISSAL

The Application and Stipulation for Dismissal filed by the parties on the 19th day of July, 1978, has been reviewed and approved by the Court.

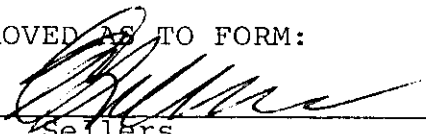
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED the plaintiffs' alleged causes of action against said defendants, their agents, successors and assigns, are hereby dismissed with prejudice, to the refiling of same. The proceeds of any settlement hereunder are to be distributed pursuant to order of the Probate Division of the District Court of Creek County, Bristow, Oklahoma, Case No. P 76-31.

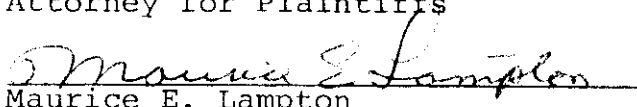
IT IS FURTHER ORDERED the dismissal with prejudice of the plaintiffs' alleged causes of action does not conclude the claims American LaFrance, Inc., (A-T-O Inc.) and Sterling Precision Corporation have against the other herein for indemnity and said defendants are hereby permitted to proceed in this pending action with their respective claims for indemnity which may arise from contract, statutory or common law.

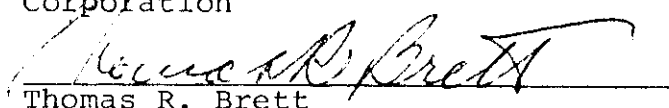


UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:


W. C. Sellers
Attorney for Plaintiffs


Maurice E. Lampton
Attorney for Sterling Precision
Corporation


Thomas R. Brett
Attorney for AmericanLaFrance, Inc.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

AGANA NAVY FLYING CLUB,)
)
Plaintiff,)

v.)

No. 77-C-322-B

AIRCRAFT ENTERPRISES, INC.,)
an Oklahoma corporation;)
and,)

FLIGHT CENTER COMPANY, INC.,)
an Oklahoma corporation;)
and)

LOREN ABBOTT AND CHERYL)
ABBOTT, d/b/a INTERNATIONAL)
HELICOPTER SALES AND)
SERVICE (I.H.I.),)

Defendants.)

F I L E D

JUL 17 1978

**Jack C. Silver, Clerk
U. S. DISTRICT COURT**

JUDGMENT

NOW on this 12th day of June, 1978, the above styled and captioned matter came on regularly for Trial before the Court and Jury. Plaintiff was present and represented by its attorney, Joseph LeDonne, Jr., the Defendants were present and represented by their attorney, N. Franklyn Casey.

Both sides announced ready for Trial and stipulated and agreed in open Court that this matter may be tried before ROBERT S. RIZLEY, U. S. Magistrate.

All issues having been tried and the jury having returned their verdict on June 13, 1978 in favor of the plaintiff and against the defendants in the sum of \$10,000 actual damages and \$200 punitive damages.

IT IS SO ORDERED AND ADJUDGED that Agana Navy Flying Club, Plaintiff, have and recover from Aircraft Enterprises, Inc., Flight Center Company, Inc., and Loren Abbott and Cheryl Abbott d/b/a International Helicopter Sales and Service (I.H.I.), Defendants, the sum of Ten Thousand and No/100 Dollars (\$10,000.00) in actual damages with interest

thereon at the rate of ten percent (10%) per annum from June 30, 1976, Two Hundred and No/100 Dollars (\$200.00) in punitive damages together with the costs in the amount of One Thousand Two Hundred Seventy-Four and 44/100 Dollars (\$1,274.44).

Dated this 17th day of July, 1978.



CHIEF JUDGE, UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

IN THE UNITED STATES DISTRICT COURT FOR THE **FILED**
NORTHERN DISTRICT OF OKLAHOMA

JUL 17 1978 *jun*

UNITED FIDELITY LIFE INSURANCE COMPANY)
(As Successor to NATIONAL EDUCATORS)
LIFE INSURANCE COMPANY), A Texas)
corporation,)

Plaintiff,)

vs.)

THE LAW FIRM OF BEST, SHARP, THOMAS)
& GLASS, a partnership, composed of)
JOSEPH M. BEST, JOSEPH A. SHARP,)
JACK M. THOMAS and JOSEPH F. GLASS,)
as co-partners,)

Defendants.)

Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. 77-C-300-B */*

O R D E R

On July 12, 1978, defendants' motion for new trial came on for hearing with defendants represented by Thomas R. Brett and with Howard K. Berry, Sr., representing plaintiff. Defendants requested that their motion be treated as one for judgment notwithstanding the verdict.

Having carefully reviewed and considered the entire record in this case, including arguments of counsel and all submitted pleadings and briefs, the court has concluded that defendants' motion should be and is hereby denied, in part based on the court's memorandum filed this same date.

IT IS SO ORDERED.

Dated this 14th day of July, 1978.

Luther Bohanon
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUL 17 1978 *pm*

Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED FIDELITY LIFE INSURANCE COMPANY)
(As Successor to NATIONAL EDUCATORS)
LIFE INSURANCE COMPANY), A Texas)
corporation,)

Plaintiff,)

vs.)

THE LAW FIRM OF BEST, SHARP, THOMAS)
& GLASS, a partnership, composed of)
JOSEPH M. BEST, JOSEPH A. SHARP,)
JACK M. THOMAS and JOSEPH F. GLASS,)
as co-partners,)

Defendants.)

No. 77-C-300-B ✓

MEMORANDUM

Having overruled defendants' motion for new trial, one issue raised, that of the statute of limitations, deserves specific discussion.

It is undisputed that under Oklahoma law (See 12 O.S. 95), the applicable statute of limitations prevents filing an ordinary tort action in excess of two years after the cause of action accrued, which is to say two years after the cause of action first could have been maintained. See Knudson v. Weeks, 394 F.Supp. 963 (W.D. Okla. 1975).

Normally the limitations statute might have commenced running as to plaintiff's cause of action no later than May 21, 1975, the date plaintiff's liability for the attorney fees and costs in controversy here became fixed at the district court level, subject to final disposition on appeal. Plaintiff's action in this case was commenced on July 12, 1977.

Regardless of when plaintiff's cause of action accrued, however, an implicit and well recognized exception to the statute of limitations is "fraudulent concealment," a rule that prevents a party who wrongfully conceals material facts, and thereby prevents discovery of his wrong or discovery of the fact that a cause of

action has accrued against him, from taking advantage of his own wrong by asserting the statute of limitations. See Brookshire v. Burkhart, Okla. 283 P. 571 (1929); Waugh v. Guthrie Gas, Light, Fuel & Improvement Co., Okla. 131 P. 174 (1913). To constitute concealment of a cause of action and to toll the statute of limitations on that ground, the concealment must be fraudulent or intentional and, in the absence of a fiduciary or confidential relationship, there must be something of an affirmative nature designed to prevent, and which does prevent, discovery of the cause of action. See Brookshire v. Burkhart, supra. Mere silence or failure to disclose a potential cause of action is not fraudulent concealment, per se, apart from circumstances creating a responsibility to disclose.

The record in this case clearly establishes that on August 29, 1975, defendants conveyed to plaintiff for the first time the series of events and transactions from which defendants' liability in this case arose. In a letter bearing that date, defendant Jack H. Thomas transmitted to plaintiff's agent Paul Anderson the information that a motion to tax costs and attorneys' fees had been filed against plaintiff's predecessor at some undisclosed previous time, that the matter had been "heard several months ago," and that plaintiff had been adjudged liable for attorney fees and costs in the approximate amount of \$23,000. While the applicable principle of law can be variously described, defendants in this case are estopped to plead the statute of limitations due to the fiduciary or confidential relationship existing between these defendant attorneys and their client, which demanded full and timely disclosure of the events upon which this case is predicated. Under these circumstances the statute of limitations did not begin to run as to plaintiff's cause of action, in any event, previous to that early September date in 1975 on which plaintiff received the above described letter

and thus first received knowledge that such a cause of action existed. This action was filed well within two years of that date.

A statute of limitations question involving controverted facts is potentially a jury question. The parties' pretrial order in this case, however, did not list the statute of limitations issue as raising any unresolved fact questions. Instead, the statute of limitations question was described as an issue of law to be determined by the court. On the basis of the clear and uncontroverted facts, as I have just recited them, and as developed in various exhibits, including depositions, properly before the court at that time, the court determined by letter dated May 5, 1978, that the statute of limitations did not represent a bar to plaintiff's action. These same fact considerations were established again in clear and uncontroverted fashion by the evidence introduced at trial. Neither party requested that the statute of limitations question be submitted to the jury; neither did they object to the fact that it was not.

Defendants' request that a new trial be ordered or that they be awarded judgment notwithstanding the verdict is wholly without merit and should be denied. In serving as plaintiff's legal counsel, defendants assumed a high and sacred fiducial relationship which, under all the facts and circumstances in this case, precludes their reliance on the statute of limitations.

Dated this 14th day of July, 1978.

Luther Bohannon
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

WILLIAM T. CURLEY, III.,)

Plaintiff,)

vs.)

CASE NO. 77-C-444-C

THE STATE ex rel., THE)
DEPARTMENT OF CORRECTIONS,)
DR. NED BENTON, Director of)
the Department of Corrections,)
DR. PAUL INBODY, Director of)
the Community Services of the)
Department of Corrections,)
and JERRY MADDOX, Community)
Treatment Superintendent,)
Tulsa, Oklahoma,)

Defendants.)

FILED

JUL 13 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JUDGMENT

This action came on for trial before the Court, the Honorable H. Dale Cook, District Judge, presiding, and the issues having been duly tried and a decision having been duly rendered,

It is ordered, adjudged and decreed that the Plaintiff, WILLIAM T. CURLEY, III., recover from the Defendants the following sums with interest thereon as provided by law:

- (1) For loss of pay during suspension, \$1,010.00,
- (2) Pay differential, \$1,005.00,
- (3) Travel and expense money expended while stationed in Lawton, Oklahoma, \$272.00,
- (4) Travel and expense money expended while stationed in Muskogee, Oklahoma, \$1,250.00,

For a total of \$3,537.00.

Further, the Court denies Plaintiff's prayer for injunctive relief but will allow these issues to remain open and will allow Plaintiff to reopen this case if he feels that it is necessary to do so.

Further, it is ordered that the matter of attorney's fees be submitted to the Court by affidavit of Plaintiff's attorney if the fee amount cannot be settled between the parties.

Dated at Tulsa, Oklahoma this 13th day of July, 1978.


H. DALE COOK, JUDGE

United States District Court for the
Northern District of Oklahoma.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 13 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

CHARLES HOBART TUTTLE,)
a minor, by his next)
friend, CHARLES T. TUTTLE)

Plaintiff,)

vs.)

No. 77-C-103-B

CHARLES DOHN; DARRELL)
GOURLEY; JOHN PAUL)
CHAMBERS, and ROGER STEEL)

Defendants,)

NOTICE OF DISMISSAL

COMES NOW the plaintiff and pursuant to Rule 41(a) (1) (1)
of the Federal Rules of Civil Procedure hereby dismisses without
prejudice the above styled action against defendant DARRELL
GOURLEY, and said defendant alone.

Dated this 7th day of July, 1978.

FRAZIER, GRAHAM, SMITH & FARRIS
Attorneys for Plaintiff
1424 Terrace Drive
Tulsa, Oklahoma 74104

By
ROBERT S. FARRIS

CERTIFICATE OF MAILING

I, ROBERT S. FARRIS hereby certify that I mailed a true
and correct copy of the above and foregoing Notice of Dismissal
to DARRELL GOURLEY, 304 N. Cinnccinatti, Sperry, Oklahoma, this
_____ day of July, 1978.

ROBERT S. FARRIS

FILED

JUL 13 1978 110

Jack C. Silver, Clerk
U. S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

HELEN A. WOOD,

Plaintiff,

vs.

EXQUISITE FORM INDUSTRIES,
INC.,

Defendant.

)
)
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)
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78-C-101-B ✓

ORDER

The Court has for consideration the Motion to Dismiss filed by the Defendant, the brief in support thereof, and, being fully advised in the premises, finds:

Plaintiff instituted this litigation pro se on March 8, 1978. Plaintiff brought the action as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure. She seeks to maintain the action by virtue of 42 U.S.C. §2000e et seq. and 42 U.S.C. §1981, and seeks a declaratory judgment. In her complaint plaintiff alleges that she received her right-to-sue notice, dated November 30, 1977, and that she commences the action within 90 days of receipt of said notice. Although plaintiff does not indicate the date of the alleged violation, nor does she attach a copy of the notice of right-to-sue letter, it appears from Exhibit "A" attached to the defendant's Motion to Dismiss that on August 27, 1974, this plaintiff filed a verified complaint with the State Division of Human Rights, New York, alleging an unlawful discriminatory practice relating to employment against this defendant. It further appears from said Exhibit that plaintiff's claim was denied in New York for lack of jurisdiction because plaintiff, who was a resident of the State of Oklahoma, applied for the position in the State of Oklahoma.

The defendant's Motion to Dismiss is predicated on the following grounds:

"1. This Court lacks subject matter jurisdiction of the action by Plaintiff under 42 U.S.C. §1981, because such statute only prohibits racial discrimination. Plaintiff only alleges sex discrimination against her by Defendant, and such is not within the purview of 42 U.S.C. §1981.

"2. This Court lacks subject matter jurisdiction of the allegations by Plaintiff under 42 U.S.C. §2000e, because Plaintiff never filed a charge of discrimination against Defendant with the Oklahoma Human Rights Commission, and the filing of such a charge is a jurisdictional prerequisite to suit under 42 U.S.C. §2000e. Plaintiff sought to file charges against Defendant with the New York Division of Human Rights, but such charges were dismissed as being within the jurisdiction of the State of Oklahoma. (See Exhibits A, B and C hereto.) In spite of the clear notice to Plaintiff that she should present her case to the State of Oklahoma, Plaintiff has not to date made any attempt to file charges against Defendant with the Oklahoma Human Rights Commission, to the best of the knowledge of Defendant.

"3. The action by Plaintiff is barred by the two-year statute of limitations in 12 O.S. §95(3), because Plaintiff sought employment with Defendant on or about March 31, 1974, but did not file her action until some four years later."

On June 5, 1978, a Minute Order was entered directing that plaintiff file a responsive brief to defendant's Motion to Dismiss 10 days from that date. Plaintiff has not filed a response, nor has she requested an extension of time to do so.

The Court will, therefore, consider the defendant's Motion to Dismiss.

This Court can find no cases wherein a person was able to pursue a sex discrimination case under 42 U.S.C. §1981. §1981 provides:

"All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."

Sex discrimination in employment is not cognizable under §1981. DeGraffenreid v. General Motors Assembly Div. (8th Cir. 1977) 558 F.2d 480, 486, n.2.

It was said in Krieger v. Republic Van Lines of the Southwest, Inc., (USDC, SD. Tex. 1977, 435 F.Supp. 335, 338:

"The complaint is for discrimination in employment based on sex. In spite of recent expansions of the scope of 42 U.S.C. §1981, see McDonald v. Santa Fe Trail Transportation Co. 427 U.S. 372, there is as yet no indication that it applied to sex discrimination."

See also Knott v. Missouri-Pacific R.R. Co., 389 F.Supp. 835 (E.D. Mo. 1975); Jamerson v. Trans World Airlines, Inc., _____ F.Supp. _____, 9 EPD ¶10,144 (S.D.N.Y.1975).

The Court therefore, finds that the defendant's Motion to Dismiss as to the claim asserted under 42 U.S.C. §1981 should be sustained.

Turning to the claim asserted under 42 U.S.C. §2000e, the Court finds that 42 U.S.C. §2000e-5(c) provides, in pertinent part:

"In the case of an alleged unlawful employment practice occurring in a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no charge may be filed under subsection (a) by the person aggrieved before the expiration of sixty days after proceedings have been commenced under the State or local law, unless such proceedings have been earlier terminated ***."

42 U.S.C. §2000e further provides that charges of discrimination must be filed with the EEOC within 300 days after the alleged unlawful practice occurred.

Under the Oklahoma statutes (12 O.S. §1502) the charge is required to be filed within 180 days after the alleged discrimination occurred. Defendant states that it has no knowledge of the Oklahoma charges being filed and plaintiff has not averred that she filed such charges within the time limit proscribed. It thus appears that plaintiff has not filed a proper charge with the EEOC. By way of exhibits heretofore referred to, attached to defendant's Motion, plaintiff did file a charge with the New York Division of Human Rights, which was dismissed as heretofore stated.

The Court finds that proper and timely filing of a charge of discrimination with the proper state agency is a jurisdictional prerequisite to the maintenance of an action under Title VII. EEOC v. Union Bank, 408 F.2d 867 (9th Cir. 1969); Olson v. Rembrandt Printing Co., 511 F.2d 1228 (8th Cir. 1975); Dubois v. Packard Bell Corp., 470 F.2d 973, 974 (n. 2) (10th Cir. 1972).

The Court thus finds that it lacks subject matter jurisdiction under Title VII and the defendant's Motion to Dismiss should be sustained.

Additionally, the Court finds that both the claims propounded by the plaintiff under Title VII and 42 U.S.C. §1981 are barred by the 2 year statute of limitation in 12 O.S. §95(3). See Allen v. S. John's Hospital, Case No. 76-C-11-B (Sept. 9, 1976); Painter v. Rockwell International, Case No. 76-C-2-B (Dec. 14, 1977); Lockett v. Carnation Co., Case No. 77-C-38-B (March 14, 1978), all cases before the undersigned Judge in this District. See also Person v. St. Louis-San Francisco Ry. Co., 428 F.Supp. 1148 (WD Okl. 1976); Clayton v. McDonnell Douglas Corp., 419 F.Supp. 28 (C.D.Cal. 1976).

Based on the foregoing reasons,

IT IS ORDERED that the defendant's Motion to Dismiss be and the same is hereby sustained and plaintiff's complaint and cause of action be and the same are hereby dismissed.

Defendant's Motion to Dismiss being dispositive of the matter before the Court, there is no reason to consider the class action certification raised in the plaintiff's complaint.

ENTERED this 13th day of July, 1978.



CHIEF UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUL 13 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEWEL I. FISHER, OKLAHOMA MORRIS
PLAN CO., a corporation, COUNTY
TREASURER, Tulsa County, Oklahoma,
and BOARD OF COUNTY COMMISSIONERS,
Tulsa County, Oklahoma,

Defendants.

CIVIL ACTION NO. 78-C-232-B ✓

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 12th
day of July, 1978, the Plaintiff appearing by Robert P. Santee,
Assistant United States Attorney; and the Defendants, County
Treasurer, Tulsa County, Oklahoma, and Board of County Commis-
sioners, Tulsa County, Oklahoma, appearing by their attorney,
John F. Reif, Assistant District Attorney; and the Defendants,
Jewel I. Fisher and Oklahoma Morris Plan Co., a corporation,
appearing not.

The Court being fully advised and having examined
the file herein finds that Defendants, Oklahoma Morris Plan
Co., a corporation; County Treasurer, Tulsa County, Oklahoma;
and Board of County Commissioners, Tulsa County, Oklahoma, were each
served with Summons and Complaint on June 2, 1978; that Defendant,
Jewel I. Fisher, was served with Summons and Complaint on June 1,
1978, all as appears from the United States Marshal's Service
herein.

It appearing that the Defendants, County Treasurer,
Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa
County, Oklahoma, have duly filed their answers herein on June 27,
1978; and that the Defendants, Jewel I. Fisher and Oklahoma Morris
Plan Co., a corporation, have failed to answer herein and that
default has been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a mortgage note and foreclosure on a real property mortgage securing said mortgage note upon the following described real property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Twenty-Four (24), Block
Forty-Eight (48), VALLEY VIEW
ACRES THIRD ADDITION to the
City of Tulsa, Tulsa County,
Oklahoma, according to the
recorded Plat thereof.

That the Defendant, Jewel I. Fisher, did, on the 10th day of December, 1971, execute and deliver to the Administrator of Veterans Affairs, her mortgage and mortgage note in the sum of \$10,200.00, with 4 1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that Defendant, Jewel I. Fisher, made default under the terms of the aforesaid mortgage by reason of her failure to make monthly installments due thereon, which default has continued and that by reason thereof the above named Defendant is now indebted to the Plaintiff in the sum of \$9,268.94, as unpaid principal with interest thereon at the rate of 4 1/2 percent per annum from August 10, 1977, until paid, plus the cost of this action accrued and accruing.

The Court further finds that there is due and owing to the County of Tulsa, State of Oklahoma, from Defendant, Jewel I. Fisher, the sum of \$ 24.00 (Twenty-four) plus interest according to law for personal property taxes for the year ~~(8)~~ 1976, and that Tulsa County should have judgment, in rem, for said amount, but that such judgment is subject to and inferior to the first mortgage lien of the Plaintiff herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against Defendant, Jewel I. Fisher, in personam, for the sum of \$9,268.94, with interest thereon at the rate of 4 1/2 percent per annum from August 10, 1977, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the County of Tulsa, have and recover judgment, in rem, against Defendant Jewel I. Fisher for the sum of \$ (Twenty-four) 24.00, as of the date of this judgment, plus interest thereafter according to law for personal property taxes, but that such judgment is subject to and inferior to the first mortgage lien of the Plaintiff herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment, in rem, against Defendant Oklahoma Morris Plan Co., a corporation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said Defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any, shall be deposited with the Clerk of the Court to await further order of the Court.

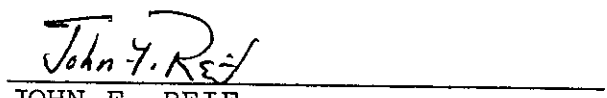
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the defendants, and each of

them, and all persons claiming under them since the filing of the Complaint herein, be and they are forever barred and foreclosed of any right, title, interest, or claim in or to the real property or any part thereof, specifically including any lien for personal property taxes which may have been filed during the pendency of this action.


UNITED STATES DISTRICT JUDGE

APPROVED:


ROBERT P. SANTEE
Assistant United States Attorney


JOHN F. REIF
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Tulsa County, Oklahoma

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FRED CASEY and WILLIAM)
CASEY, d/b/a CASEY)
CATTLE COMPANY,)
)
Plaintiffs,)
)
v.)
)
GEORGE W. MURPHY, d/b/a)
G. M. RANCHES and G. M.)
CHAROLAIS,, INC., a)
corporation,)
)
Defendants.)

No. 75-C-352-B

F I L E D

JUL 12 1975

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JUDGMENT

This matter came on for hearing before the United States Magistrate for Pre-Trial Conference, and on Plaintiffs' Application for Further Enlargement of Time to File Pre-Trial Order, or in the Alternative for Default Judgment. Plaintiffs appeared by their Counsel, Bert C. McElroy, and Defendant, although having been served with notice of this hearing, appeared not, and the Court having reviewed the file, the briefs and all of the recommendations finds that Judgment should be entered for the Plaintiffs and against the defendants.

On the 9th day of October, 1975, the Court ordered the parties to conduct between themselves a Pre-Trial conference and to submit to the Court on or before the 26th day of November, 1975, a Pre-Trial Order agreed to by both parties or, in the alternative, if the parties were not able to agree thereon, that each party should submit to the Court on or before the 26th day of November, 1975, a proposed Pre-Trial Order. Included in said Order was a directive to the parties to complete all discovery three weeks prior to trial date. From and after the 19th day of November, 1975, the Plaintiffs submitted to the Court numerous applications for Enlargement of Time to File Pre-Trial Order wherein Plaintiffs

set forth the fact that such Pre-Trial could not, in the exercise of due diligence, be completed without completion of discovery, including Depositions of the Defendant, George W. Murphy in his individual and corporate capacities.

On July 8, 1977, Defendants' counsel filed his Application to Withdraw as Attorney of Record for Defendants and no Entry of Appearance has been made herein since said date by any counsel for Defendants. After the withdrawal of Defendants' counsel, Plaintiffs served upon the Defendant George W. Murphy a Notice of Taking Depositions, the original of which has been filed in this case together with a return receipt indicating delivery upon the Defendant George W. Murphy, which notice provided for taking of Depositions on the 14th day of October, 1977. The Defendant George W. Murphy failed to appear for Depositions on said date as provided in said notice and defendants have not, since the withdrawal of their counsel, obtained other counsel or appeared at any hearing ordered by this Court since the 13th day of July, 1977.

From and after the 13th day of July, 1977, the Court has from time-to-time enlarged time for the filing of a Pre-Trial Order herein but no such order has been filed. Plaintiffs' counsel has appeared when ordered by this Court and has made known to the Court Plaintiffs' inability to prepare and file a proposed Pre-Trial Order in the absence of completion of discovery. The Plaintiffs have exercised due diligence in an effort to complete discovery and prepare and file a Pre-Trial Order herein and have been unable to do so by reason of Defendants' failure to appear for Depositions after proper service of notice upon them.

Plaintiffs have applied to this Court for a Judgment by Default pursuant to Rule 52(b)2 of the F.R.C.P. by reason of the Defendants' failure to appear as ordered by this Court or obtain counsel in this cause, and the Court finds that

Plaintiffs' Application should be granted and judgment should be entered for the Plaintiffs by reason of the default of the Defendant.

The Court further finds that the allegations of Plaintiffs' complaint should be taken as true and judgment should be awarded to Plaintiffs as prayed for in Plaintiff's complaint. The Court further finds that Plaintiffs are entitled to judgment in the sum of \$19,750.00, the same being the difference between the price paid by Plaintiffs for the merchandise purchased by Plaintiffs and the actual value of the merchandise received. The Court further finds that Plaintiffs are entitled to interest at the rate of ten per cent (10%) per annum from and after the 10th day of September, 1973. The Court further finds that this is an action arising out of a contract for the sale of goods or merchandise and the Plaintiffs are entitled to an attorney's fee in the sum of \$5,000.00, and for their costs expended herein.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Plaintiffs' Application for Default Judgment filed herein on the 1st day of February, 1978, pursuant to Rule 55 (b) 2 of the Federal Rules of Civil Procedure, be sustained. It is further ordered, adjudged and decreed that Plaintiffs have judgment against the Defendants in the sum of \$19,750.00, together with interest thereon at the rate of ten per cent (10%) per annum from and after the 10th day of September, 1973, together with an attorney's fee in the sum of \$5,000.00 and their costs expended herein.

Dated this 12th day of July, 1978.


CHIEF JUDGE, UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

LESLIE W. McCOWN and CHESTER
F. and PHYLLIS LENIK,

Plaintiffs,

v.

JAMES W. HEIDLER;
JOSEPH C. CALDWELL;
J. DONALD WALKER;
JERALD M. SCHUMAN;
PAUL V. HARTMAN; and
LARKIN BAILEY,

Defendants.

73-C-71-C

FILED

JUL 12 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT


ORDER APPROVING COMPROMISE

NOW ON THIS 6th day of July, 1978, there comes before the Court consideration of the proposed compromise of this action pursuant to the Notice of Proposed Compromise dated June 13, 1978. The Court finds that due and proper notice of the hearing upon the proposed compromise has been given in accordance with the prior orders of this Court.

The Court finds that no question or objection with respect to the proposed compromise has been delivered to counsel. The Court inquires whether any party has any question or objection with respect to the proposed compromise and, no question or objection or question being raised, and the Court, having reviewed the pleadings, having heard the recommendations of the representatives of the Class, having heard the statement of all counsel, and being fully advised in the premises, finds that the proposed compromise is fair, reasonable, equitable and adequate.

IT IS THEREFORE ORDERED that the proposed compromise of this action between the Plaintiff Class and the defendants is accepted and approved.

IT IS FURTHER ORDERED that the parties hereto shall effect and consummate the compromise in accordance with its terms.


H. Dale Cook, Judge

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

DANNY COVEY, individually and as)
surviving spouse of DEBORAH COVEY,)
for the benefit of himself and)
for the benefit of CHAD EDWARD)
CARR, CHARITY DAWN ROBINSON)
and an unborn and unnamed fetus,)
Plaintiff,)
vs.)
PRESLEY COMPANY, a corporation)
MONKEM COMPANY, INC., a corporation,)
Defendants.)

No. 78-C-318-C

FILED

JUL 12 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

NOW on this 12th day of July 1978, there came on for hearing pursuant to regular assignment the above entitled cause for disposition, all parties having waived jury trial and all parties having orally requested an immediate hearing.

Danny Covey, individually and as the surviving husband of Deborah Covey, Deceased, appeared by and through his attorney Loy Davis; Howard Robinson and Joyce Robinson, individually, and as parents and natural guardians of Charity Robinson, a minor, appearing by and through their attorney, Loy Davis; and Chad Edward Carr, a minor, by and through Jerry G. Carr, his father and next friend and legal guardian, by and through his attorney Jay Baker. The Presley Company appeared by and through its attorney Joe Glass and Monkem Company appeared by and through its attorney Alfred B. Knight.

After oral argument and the Court being fully advised in the premises, the Court finds the following, to-wit:

Diversity of citizenship exists between the Plaintiff and all of the Defendants; the amount in controversy exclusive of interest and costs exceeds \$10,000.00. The Court further finds that the jury trial is waived and the parties represent to the Court that a reasonable settlement has been effected by and between all of the parties and each of the parties asks the Court for approval of the Findings of Fact and the settlement.

Upon the facts submitted the Court makes the following findings:

I. Danny Covey is the surviving husband of Deborah Covey, Deceased, and is the surviving father of an unnamed fetus. The Court further finds that the fetus was not viable and that a valid cause of action does not exist on behalf of the unnamed fetus and of the surviving father. The Court further finds that Danny Covey is entitled to recover the sum of THIRTY-FIVE THOUSAND (\$35,000.00) DOLLARS.

II. The Court further finds that for the death of her mother, Charity Robinson, a minor, is entitled to recover the sum of TWENTY THOUSAND (\$20,000.00); the Court further finds that the natural father has no paternal interest in and to the representation of Charity Robinson but that Harold Robinson and Joyce Robinson individually are duly appointed and qualified parents and natural guardians of Charity Robinson.

III. The Court further finds that Chad Edward Carr, a minor, is entitled to recover for the death of his mother, Deborah Covey, Deceased, the total sum of THIRTY-FIVE THOUSAND (\$35,000.00); that Jerry G. Carr, father, is the appointed guardian and is the natural guardian of his son, Chad Edward Carr.

IV. The Court further finds that each of the above settlements is to the best interest of the respective parties.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Danny Covey, individually and as surviving husband of Deborah Covey, Deceased, have and recover the total sum of THIRTY-FIVE THOUSAND (\$35,000.00) DOLLARS.

IT IS ALSO THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Howard Robinson and Joyce Robinson, individually and as parents and natural guardians and appointed guardians of Charity Robinson, a minor, have and recover the total sum of TWENTY THOUSAND (\$20,000.00) DOLLARS.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Chad Edward Carr, a minor, by and through his father and next friend, Jerry G. Carr, have and recover the total sum of THIRTY-FIVE THOUSAND (\$35,000.00) DOLLARS.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Danny Covey is not entitled to recover on behalf of the unnamed fetus

as same was not viable at the time of the death of Deborah Covey, Deceased.

12/14 Dale Cook
Judge, United States District Court
Northern District of Oklahoma

APPROVALS:

Loy Davis
Loy Davis, Attorney for Danny Covey

Jay Baker
Jay Baker, Attorney for Chad Edward
Carr and Jerry G. Carr

Joseph F. Glass
Joseph Glass, Attorney for The
Presley Company

Alfred B. Knight
Alfred B. Knight, Attorney for
Monkem Company

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA and)
DON TIBBETTS, Internal Revenue))
Officer, Internal Revenue))
Service,))
))
Petitioners,))
))
vs.))
))
DONALD R. BAILEY,))
))
Respondent.))

No. 78-C-273-C

FILED

JUL 11 1978

ORDER DISCHARGING RESPONDENT
AND DISMISSAL

Jack C. Silver, Clerk
U. S. DISTRICT COURT

On this 11th day of July, 1978, Petitioners' Motion to Discharge Respondent And For Dismissal came for hearing and the Court finds that Respondent has now complied with the Internal Revenue Service Summons served upon him June 21, 1978, that further proceedings herein are unnecessary and that the Respondent, Donald R. Bailey should be discharged and this action dismissed upon payment of \$60.68 costs by Respondent.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that the Respondent, Donald R. Bailey be and he is hereby discharged from any further proceedings herein and this action is hereby dismissed upon payment of \$60.68 costs by said Respondent.

14/14 Dale Cook
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

VIRGIL BROWN,

Plaintiff,

vs.

THE BLACK & DECKER MANUFACTURING
COMPANY, a Maryland Corporation,
and McCORRY CORPORATION, a Delaware
Corporation,

Defendant.

Case No. 77-Cv-26-1

FILED

JUL 10 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

APPLICATION FOR DISMISSAL

COMES now all parties hereto and would show the Court that their differences have been compromised and settled and move the Court to enter an Order of Dismissal with prejudice both of the Plaintiff's lawsuit and of the respective actions over between the two (2) Defendants.

Virgil Brown
Plaintiff

Jack D. Gutter
Attorney for Plaintiff

FILED

JUL 11 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

Joseph M. Best
Black & Decker, Defendant

Joseph A. King
McCorry Corporation, Defendant

ORDER OF DISMISSAL

Now on this 11th day of July, 1978, the Court has for consideration the Application of the parties to this lawsuit for an Order of Dismissal. The Court finds that all matters have been compromised and disposed of and that the complaint should be Dismissed with prejudice and the actions over between the two (2) Defendants should be Dismissed with prejudice.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED BY THE COURT that Plaintiff's cause of action ~~and the same~~ ^{as set forth} ~~is~~ ^{are} hereby Dismissed with prejudice and that the respective cross ^{actions} between the two (2) Defendants be in the same are hereby Dismissed with prejudice.

Allen E. Bann
Judge of the District Court

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,) CIVIL ACTION NO. 78-C-155-B
)
vs.) This action applies to all
) interests in the estate
) taken in:
23.83 Acres of Land, More or)
Less, Situate in Osage County,)
State of Oklahoma, and James) Tract No. 116
E. Barnett, et al., and)
Unknown Owners,)
) (Included in D.T. filed in
Defendants.) Master File #405-30

FILED

J U D G M E N T

JUL 10 1978

1.

NOW, on this 7th day of July, 1978, this matter

Jack C. Silver, Clerk
U. S. DISTRICT COURT

comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on a stipulation of the parties agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies to the entire estate condemned in Tract No. 116, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the property described in such Complaint. Pursuant thereto, on April 7, 1978,

the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in subject tract a certain sum of money, and all of this deposit has been disbursed, as set out below in paragraph 12.

7.

The defendants named in paragraph 12 as owners of the subject property are the only defendants asserting any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants were, as of the date of taking, the owners of the subject property and, as such, are entitled to receive the just compensation awarded by this judgment.

8.

The owners of the subject tract and the United States of America have executed and filed herein a Stipulation As To Just Compensation wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 12 below, and such Stipulation should be approved.

9.

This judgment will create a deficiency between the amount deposited as estimated compensation for the estate taken in subject tract and the amount fixed by the Stipulation As To Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out in paragraph 12 below.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use Tract No. 116, as such tract is

particularly described in the Complaint filed herein; and such tract, to the extent of the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of April 7, 1978, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owners of the estate condemned herein in subject tract were the defendants whose names appear below in paragraph 12; and the right to receive the just compensation for the estate taken herein in this tract is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Stipulation As To Just Compensation mentioned in paragraph 8 above hereby is confirmed; and the sum thereby fixed is adopted as the award of just compensation for the estate condemned in subject tract as follows:

TRACT NO. 116

Owners:

James E. Barnett and Charles A. Marrs

| | | |
|---|------------|-------------------|
| Award of just Compensation | | |
| pursuant to Stipulation ----- | \$9,960.00 | \$9,960.00 |
| Deposited as estimated compensation ----- | 7,630.00 | |
| Disbursed to owners ----- | | <u>\$7,630.00</u> |
| Balance due to owners ----- | | <u>\$2,330.00</u> |
| Deposit deficiency ----- | \$2,330.00 | |

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall deposit in the Registry of this Court in this civil action, to the credit of subject tract, the deposit deficiency in the sum of \$2,330.00, and the Clerk of this Court then shall disburse the deposit for such tract as follows:

To - James E. Barnett and
Charles A. Marrs, jointly ----- \$2,330.00

Allen E. Barrow
UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT A. MARLOW
HUBERT A. MARLOW
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

AMELIA H. COULSTON,)
)
Plaintiff,)
)
vs.)
)
RED DEVIL, INC., a New Jersey)
corporation,)
)
Defendant.)

No. 77-C-313-**FILED**

JUL 7 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

The Court has for consideration Defendant's Motion for Summary Judgment and has carefully reviewed the entire file, the briefs, the cited authorities and all of the recommendations concerning said Motion, and being fully advised in the premises, finds:

That the Defendant's Motion for Summary Judgment should be sustained for the reasons stated herein.

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq., hereinafter referred to as Title VII. Plaintiff, a female of Cuban origin, alleged that she was denied the position of office manager with Defendant because of her national origin and sex and that she was terminated by the Defendant because of her national origin and sex. Defendant denies any violation of Title VII and moves the Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, to enter judgment for the Defendant on the grounds that there are no genuine issues of material fact. In addition, Defendant prays that the Court enter an Order awarding costs of this action to the Defendant, including a reasonable attorney's fee as provided in 42 U.S.C. §2000e-5(k).

The Defendant supported its Motion for Summary Judgment with the Plaintiff's Depositions taken on November 4, 1977, and on December 14, 1977, the Defendant's Answer to Plaintiff's Interrogatories, and the Affidavit of Jack

Brow, Defendant's Director of Employee Relations. Plaintiff filed a Memorandum Brief in opposition to Defendant's Motion for Summary Judgment, but did not respond by Affidavit or otherwise as provided in Rule 56 of the Federal Rules of Civil Procedure to rebut Defendant's demonstration of an absence of a genuine issue of material fact.

The record evidence is that Plaintiff was employed by Defendant on May 13, 1975, as a shipping clerk in Defendant's warehouse. In August, 1976, Plaintiff applied for the position of office manager, and was interviewed by the Defendant's Director of Employee Relations. Defendant received thirty-two applications for the position and on September 13, 1976, hired one of the applicants, Jack Smally, a male. Smally was selected for the position because his prior work experience was more related than any other applicant to the job requirements for the position. On January 17, 1977, Plaintiff was discharged by Defendant for refusing to "pull orders". The Plaintiff has admitted that she was instructed to "pull orders" by her supervisor and she refused.

Following her discharge, Plaintiff filed a Charge of Discrimination alleging that she was denied the position of office manager and terminated because of her sex and national origin with both the state and federal agencies empowered to eliminate discriminatory employment practices. Both the Oklahoma Human Rights Commission and Equal Employment Opportunity Commission found that there was not reasonable cause to believe that Defendant had discriminated against Plaintiff on the basis of national origin or sex by either failing to promote her to the position of office manager or discharging her.

Defendant argued that Plaintiff failed to establish a prima facie case of sex or national origin discrimination as it related to Plaintiff's not being selected for the position of office manager with Defendant. Defendant contended that under the Court's holding in Olson vs. Philco-Ford, 531 F. 2d 474, 12FEP Cases 427 (10th Cir. 1976) that evidence of an employer's promotion of a

qualified man over a qualified woman, without more, does not establish a prima facie case of sex discrimination. The Defendant further contended that the Court's rationale in Olson vs. Philco-Ford, id, would apply to the selection of a qualified individual of one nationality over a qualified individual of another nationality. The Plaintiff, during Oral Argument, conceded that the Defendant's position is correct.

Defendant further argued that refusal to abide by instructions has been held to be valid grounds for discharge, and a viable defense to a charge of discrimination under Title VII. In support of its argument, Defendant cited Palmer vs. National Cash Register Company, 503 F. 2d 275, 8 FEP Cases 893 (6th Cir. 1974) and Barnes vs. St. Catherine's Hospital, 563 F. 2d 324, 15 FEP Cases 1153 (7th Cir. 1977) Plaintiff, while not agreeing with Defendant's position, failed to adduce facts which could establish that her termination by Defendant was because of her sex or national origin.

Judge Friendly of the Second Circuit in Beal vs. Lindsay, 468 F. 2d 287 (2nd Cir. 1972), has stated the proper procedure for a party opposing a Motion for Summary Judgment under these circumstances:

"When the movant comes forward with facts showing that his adversary's case is baseless, the opponent cannot rest on the allegations of the complaint but must adduce factual material which raises a substantial question of the veracity or completeness of the movant's showing or presents contravailing facts."

In Willmar Poultry Company vs. Morton-Norwich Products, Inc., 520 F. 2d 289 (8th Cir. 1975), the Court stated:

"Summary judgment is always warranted where the party resisting the motion does so by relying solely upon his pleadings and submits no evidence to rebut the moving party's conclusive demonstration of absence of a genuine issue of material fact. Fed.R.Div.P. 56 (e) mandates affirmative action by a party opposing such a motion. Failure to take such action justifies a court in entering summary judgment ..."

The Plaintiff submitted no evidence to rebut the Defendant's conclusive demonstration of the absence of a genuine issue of material fact.

IT IS THEREFORE ORDERED that Defendant's Motion for Summary Judgment be granted, with costs to Defendant.

IT IS FURTHER ORDERED that Defendant's prayer for attorney's fees as provided in 42 U. S. C. §2000e-5(k) be overruled.

DATED this 7th day of July, 1978.

Allen E. Barrow

CHIEF JUDGE, UNITED STATES
DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

JUL 7 1978
E
Jack C. Silver, Clerk
U. S. DISTRICT COURT

78-C-133-B

CHIEF UNITED STATES DISTRICT JUDGE

FILED

JUL 7 1978

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jack C. Silver, Clerk
U. S. DISTRICT COURT

FLOYDE CUMBEY,

Plaintiff,

vs.

J. D. DANIELS, and THE
PARDON AND PAROLE BOARD OF
THE STATE OF OKLAHOMA,

Defendants.

78-C-104-B

ORDER

This litigation was instituted pro se by the plaintiff,
Floyde Cumbeey, on March 10, 1978.

On March 15, 1978, the following Minute Order was entered:

"IT IS ORDERED that the plaintiff be furnished with summons
to be executed and returned to the Clerk of this Court,
and upon receipt of such summons that same be served by
the United States Marshal at the cost of the United
States."


The file reflects that summons were transmitted to plaintiff
by the Clerk of this Court on March 15, 1978, and were not returned
by plaintiff and no further word has been received from plaintiff
concerning this litigation. No service has, thus, been attempted
by plaintiff upon the defendants.

This matter was set on the disposition docket before the
United States Magistrate for failure to prosecute on June 22, 1978.
Neither plaintiff, nor a representative appeared. The Magistrate
has recommended that the case be dismissed for failure to prosecute.

The Court has reviewed the file, and, being fully advised
in the premises, finds that this cause of action and complaint should
be dismissed for failure to prosecute.

IT IS, THEREFORE, ORDERED that this cause of action and com-
plaint be and the same are hereby dismissed for failure to prosecute.

ENTERED this 7th day of July, 1978.


CHIEF UNITED STATES DISTRICT JUDGE

FILED

JUL 7 1978

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jack C. Silver, Clerk
U. S. DISTRICT COURT

FRANK H. KELLERMAN, #17649,

Plaintiff,

vs.

DR. JOE E. TYLER, SUPERINTENDENT,
EASTERN STATE HOSPITAL,

Defendant.

No. 77-C-144-B

FRANK H. KELLERMAN,

Plaintiff,

vs.

DR. JOE E. TYLER,

Defendant.

No. 77-C-153-B
(CONSOLIDATED WITH
77-C-144-B)

FRANK H. KELLERMAN, #17649,

Plaintiff,

vs.

DR. JOE E. TYLER, SUPERINTENDENT,
EASTERN STATE HOSPITAL,

Defendant.

No. 78-C-50-B

ORDER

The Court has for consideration a letter dated July 7, 1978, received by the Clerk of this Court on July 7, 1978, which has been filed this date, and treated as a Motion to Dismiss Without Prejudice, and, having carefully reviewed all of the above captioned files, and, being fully advised in the premises, finds:

That the letter dated July 7, 1978, from the plaintiff, received by the Clerk of this Court on July 7, 1978, and filed this date, be treated as a Motion to Dismiss Without Prejudice and should be granted.

IT IS, THEREFORE, ORDERED that the Motion to Dismiss Without Prejudice filed by the plaintiff be and the same is hereby granted and the causes of action and complaints are hereby dismissed.

ENTERED this 7th day of July, 1978.

A handwritten signature in cursive script, reading "Alan E. Barrow", is written over a horizontal line.

CHIEF UNITED STATES DISTRICT JUDGE

THE UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF OKLAHOMA

FILED

HOUSEHOLD FINANCE CORPORATION,)
)
Plaintiff,)
)
-vs-)
)
RONALD GILES, IVA A. GILES,)
AND ODELL ALLSUP,)
)
Defendants,)
)
and)
)
U. S. POST OFFICE)
Claremore, Oklahoma)
)
Garnishee.)

JUL 7 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

NO. 76-C-227-B

ORDER REMANDING ACTION TO STATE COURT

consideration
This matter comes on for ~~hearing~~ this 7th day of July, 1978, upon plaintiff's application to remand the above captioned matter to State Court.

Being fully advised in the premises the Court finds as follows:

ONE: In the District Court of the State of Oklahoma under case number CSJ 73-445 wherein Household Finance Corporation was plaintiff and Ronald Giles, Iva A. Giles and Odell Allsup were the defendants a garnishee summons was issued on or about May 10, 1976, joining as garnishee in that action the United States Post Office, Claremore, Oklahoma.

TWO: That subsequent to the issuance of said garnishee summons United States Attorneys office moved for and obtained an order removing said action to the United States District Court for the Northern District of Oklahoma.

THREE: That jurisdiction for the removal of said action to the United States District Court lay solely in the fact that the United States Post Office was joined as a party therein.

FOUR: Plaintiff has now moved the Court to discharge the United States Post Office as garnishee in this matter. As result of said discharge United States District Court for the Northern District of Oklahoma no longer has jurisdiction in this cause and said cause of action should properly be remanded back to the District Court State of Oklahoma.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above captioned matter be remanded to District Court State of Oklahoma and plaintiff allowed to pursue said litigation in said Court.

Allen E. Barnard

Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

AMERICAN EXCHANGE BANK,

Plaintiff,

vs.

UNITED STATES OF AMERICA,
WILLIAM WILKERSON, individually
and d/b/a BIG RED PAVING COMPANY,
and THE CITY OF MORRIS, OKLAHOMA,

Defendants.

FILED

JUL 7 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

CIVIL NO. 77-C-522-B

JUDGMENT BY DEFAULT

NOW on this 7th day of July, 1978, this matter coming on to be ~~heard~~ ^{considered} before me the undersigned Judge of the United States District Court for the Northern District of Oklahoma; Plaintiff appearing by and through its attorney, Daniel Doris, of Dyer, Powers, Marsh, Turner & Armstrong; and it appearing to the Court that the Defendant, William Wilkerson, individually and d/b/a Big Red Paving company, appears not, having been duly served with Summons and copy of the Complaint herein; and upon the filing of Plaintiff's Motion For Default Judgment and an Affidavit of the amount due, it is

ORDERED, ADJUDGED AND DECREED by this Court that the Defendant, William Wilkerson, individually, and doing business as Big Red Paving Company, is in default herein, and that the allegations in Plaintiff's Complaint are to be taken as true and confessed;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that judgment be entered herein in favor of the Plaintiff above named, and against the Defendant above named, in the amount of \$8,885.45, with interest thereon at the legal rate from this date of judgment until fully paid, an attorney's fee in the amount of \$2,500.00, together with costs expended herein in the amount of \$41.52.

DATED at Tulsa, Oklahoma, this 7th day of July, 1978.

BY THE COURT:

Carroll F. Bannor
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

CHARLES HOBART TUTTLE,)
a minor, by his next friend,)
CHARLES T. TUTTLE,)

Plaintiff,)

v.)

CHARLES DOHN; DARRELL)
COURLEY; JOHN PAUL CHAMBERS,)
and ROGER STEEL,)

Defendant.)

No. 77-C-103-B

FILED

JUL 7 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

This cause came on for hearing on the 26th day of May, 1978, for disposition for failure of defense counsel to file an affidavit showing attempted service of notice of defense counsel's application to withdraw as attorney of record on defendants DOHN and CHAMBERS, at which time defense counsel filed said affidavit.

The Court also has for consideration plaintiff's motion for sanctions against defendants DOHN and CHAMBERS for failure to respond to requests for production and for failure to serve answers to interrogatories and finds as follows:

The failure of defendant DOHN to respond to plaintiff's request for production and inspection of documents is both flagrant and willful as evidenced by the fact that said request for production was personally served on said defendant on March 21, 1977, and that defendant DOHN has totally and completely failed to respond in any manner as required by Rule 34 (b), Federal Rules of Civil Procedure.

The Court further finds that the failure of defendants DOHN and CHAMBERS to serve answers to plaintiff's interrogatories is both flagrant and willful as evidenced by the fact that said interrogatories were properly served on said defendants on the 15th day of September, 1977, and that said defendants, DOHN and CHAMBERS, have totally and completely failed to serve any answers or objections thereto as required by Rule 33, Federal Rules of Civil Procedure.

The Court further finds the Magistrate has previously, on the 19th day of August, 1977, heard the sworn testimony of witnesses examined in open court and being fully advised in the premises, found that the plaintiff has sustained damages, as alleged in his complaint, in the amount of \$5,000.00 actual damages and \$15,000.00 punitive damages. Based upon such findings and recommendations, the Court further finds that the plaintiff has sustained damages, as alleged in his complaint, in the amount of \$5,000.00 actual damages and \$15,000.00 punitive damages.

IT IS, THEREFORE, ORDERED that the answers of the defendants DOHN and CHAMBERS be stricken and a judgment by default be rendered against defendants DOHN and CHAMBERS in the amount of \$5,000.00 actual damages and \$15,000.00 punitive damages.

IT IS FURTHER ORDERED that plaintiff have and recover his costs accrued and accruing herein from the defendants, DOHN and CHAMBERS.

Dated this 7th day of July 1978.



CHIEF JUDGE, UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA.

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

HARLEY RICHARD COLE, and
VIRGINIA A. COLE individually
and as parents and natural
guardians of Joseph Donald
Cole, a minor,

Plaintiff,

-vs-

INDEPENDENT SCHOOL DISTRICT
NUMBER 2 OF SAND SPRINGS,
OKLAHOMA; STATE OF OKLAHOMA
ex rel., OKLAHOMA STATE
DEPARTMENT OF EDUCATION; and
STATE OF OKLAHOMA ex rel.,
OKLAHOMA DEPARTMENT OF PUBLIC
WELFARE,

Defendant.

FILED

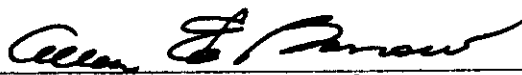
JUL 7 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. 78-C-223-B

ORDER OF DISMISSAL

This ~~June~~ ^{July} 7, 1978 the parties having appeared for
trial on temporary and permanent injunction and the parties having
each agreed and stipulated to certain conditions as more fully
set forth in transcript of proceeding, it is order of this Court
that plaintiffs complaint is hereby dismissed by agreement of all
parties upon the said conditions.


ALLEN E. BARROW, Judge
United States District Court
Northern District of Oklahoma

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 7 1978

JESSE S. MCGEE,

Plaintiff,

vs.

W. GRAHAM CLAYTON,
SECRETARY OF THE NAVY,

Defendant.

Jack C. Silver, Clerk
U. S. DISTRICT COURT

CIVIL ACTION NO. 78-C-29-B

DISMISSAL WITHOUT PREJUDICE

NOW on this 7th day of July 1978, this matter came on for consideration. Based upon the pleadings contained in the file and upon the statements of counsel, the Court finds this action should be dismissed without prejudice.

NOW, IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that this cause of action and complaint be and the same is hereby dismissed without prejudice.

Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

Lloyd G. Larkin

LLOYD G. LARKIN
Attorney for Plaintiff

Robert P. Santee

ROBERT P. SANTEE
Assistant United States Attorney
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 6 1978

Jack C. Silver, Clerk
U. S. DISTRICT COURT

GORDON SATTERFIELD,

Plaintiff,

vs.

DON MERTZ, an individual,
and MERTZ, INC., an
Oklahoma corporation,

Defendants,

No. 78-c-²²⁰~~225~~-B ✓

NOTICE OF DISMISSAL

COMES now the plaintiff, GORDON SATTERFIELD, and pursuant to Rule 41(a) (1) (i) of the Federal Rules of Civil Procedure hereby dismisses without prejudice the above styled action against all of the defendants therein.

Dated this 6th day of July, 1978.

FRAZIER, GRAHAM, SMITH & FARRIS
Attorneys for Plaintiff
1424 Terrace Drive
Tulsa, Oklahoma 74104

By

Phil Frazier
PHIL FRAZIER

CERTIFICATE OF MAILING

I, PHIL FRAZIER, do hereby certify that a true and correct copy of the above and foregoing instrument was mailed this 6th day of July, 1978 to J. Warren Jackman, Attorney for Defendants, 1919 Fourth National Building, Tulsa, Oklahoma 74119.

Phil Frazier
PHIL FRAZIER